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THE TARIFF OF 1846.

PARTY necessity and Party pride of opinion have done their work. The last of the wise and benignant measures of general policy, consummated by the Twenty-Seventh Congress, has been overthrown by the Congress of 1846, under the immediate direction and prompting of the President and Secretary of the Treasury. That which the party now fully in power dared not do when the election of 1844 was pending—dared not even manifest a wish to do by passing a bill through the House, in which their majority was very great—they have not hesitated to do when placed beyond the immediate reach of public reprobation. When the votes of Pennsylvania and New York were indispensable to the election of Polk and the Annexation of Texas, a bill to subvert the tariff of 1842 was decisively laid on the table in a House two-thirds hostile to the Whig party and its champion; but when the votes of these States had been secured, and thereby the election of Polk and Dallas, the mask was thrown off altogether, and the measure which the dominant party dared not evince a wish to repeal in 1844, falls beneath the weight of its overwhelming power in 1846. And, as an introduction to our review of the recent act of Congress and the Executive, we have deemed appropriate a republication of the famous letter of Mr. candidate-for-President Polk, in 1844, to his friend and supporter, Mr. Kane, of Pennsylvania. Many

of our readers will doubtless be glad to have that letter in a convenient shape for enduring record and convenient reference. Now that its purpose is consummated, it is fit that we inquire how well the expectations which it was skillfully framed to excite are satisfied in the events which it has been made to accomplish. This letter appears on its face to have been written in answer to one of inquiry from Mr. Kane; but that letter of inquiry the public have not been permitted to see. The writer of this made personal application to Mr. Kane for a copy or a sight of it, at a time (February, 1845) when its publication was recent and its purposes only on the eve of consummation—at a time, too, when the inquirer, duly introduced and courteously received, was a sojourner under the same roof with Mr. Polk as well as Mr. Kane. The last-named was urged to take into consideration the various and contradictory interpretations which had been given to the response of Mr. Polk, and the light which the publication of the friendly queries to which it was plainly a reply could not fail to shed on the true and full meaning of the reply itself. All was fruitless, utterly. The letter of Kane to Polk could not be obtained. That of Polk to Kane, however—the willfully severed half of this important correspondence—having been given to the public very soon after its reception by Mr. Kane in Philadelphia, and multiplied by millions of copies in every part

of the Union, cannot now, by any possibility, be shrouded from the public view. It is as follows:

(Mr. J. K. Polk to Mr. J. K. Kane.)

"COLUMBIA, Tenn., June 19th, 1844.

"Dear Sir:—I have received recently several letters in reference to my opinions on the subject of the Tariff; and among others yours of the 10th ultimo. My opinions on this subject have been often given to the public. They are to be found in my public acts and in the public discussions in which I have participated. I am in favor of a tariff for revenue, such a one as will yield a sufficient amount to the Treasury to defray the expenses of Government economically administered. In adjusting the details of a revenue tariff, I have heretofore sanctioned such moderate, discriminating duties, as would produce the amount of revenue needed, and at the same time afford reasonable incidental protection to our home industry. I am opposed to a tariff for protection *merely*, and not for revenue. Acting upon these general principles, it is well known that I gave my support to the policy of General Jackson's administration on this subject. I voted against the Tariff act of 1825. I voted for the act of 1832, which contained modifications of some of the objectionable provisions of the act of 1825. As a member of the Committee of Ways and Means of the House of Representatives, I gave my assent to a bill reported by that committee in December, 1832, making further modifications of the act of 1825, and making also discriminations in the imposition of the duties which it proposed. That bill did not pass, but was superseded by the bill commonly called the Compromise Bill, for which I voted. In my judgment, it is the duty of the Government to extend, as far as it may be practicable to do so, by its revenue laws and all other means within its power, fair and just protection to all the great interests of the whole Union, embracing Agriculture, Manufactures, and the Mechanic Arts, Commerce and Navigation. I heartily approve the resolutions upon this subject passed by the Democratic National Convention, lately assembled at Baltimore.

I am, with great respect,

Dear Sir, your ob't servant,

JAMES K. POLK.

"JOHN K. KANE, Esq., Philadelphia."

Such was the ground on which Mr. Polk deliberately planted himself in the canvass in which he was a prominent candidate for the Presidency. Surely, no honest man—no decent pretender to honesty—will insist that it is practicable to reconcile all the words here used with hostility to the Tariff of '42 and the prin-

ciples on which that Tariff is based. No such man can ask us to shut our eyes to the fact that this letter was written to Pennsylvania, and written too, most obviously, to remove doubts or unfavorable impressions to which Mr. Polk had been subjected in that State by the positive and industrious assertions of the Whigs that the candidate of their opponents was a Free Trader, and thus hostile to that policy which Pennsylvania had ever sturdily, unflinchingly upheld. The gist of Mr. Kane's cautiously suppressed letter must evidently have been this: "Mr. Polk, our adversaries in this stubbornly tariff State are making capital out of your anti-protective votes and speeches in former years. You must write us something calculated to counteract the impression they are making, or Pennsylvania is lost to you—must be carried for Clay." Thus prompted, Mr. Polk writes the letter above quoted, and "the party" in Pennsylvania are satisfied and strengthened. To all gainsayers and doubters, the letter to Kane is triumphantly exhibited as settling the question. "Here he avows himself in favor of fair and equal Protection;—does any body want that which is *unfair* and *unequal*? He is for protecting all our great interests alike: would you have one interest pampered at the expense of all the rest? If Yea, vote for Clay, who goes altogether for the spinning-jennies and cloth-factories; but if you want all protected, equally and abundantly, vote for Mr. Polk!" This is no surmise, no far-drawn inference. It is a part of the history of the canvass of '44 that Mr. Buchanan traveled through Pennsylvania, addressing the people and assuring them that the cause of Protection was safe in the hands of Mr. Polk—that Mr. Dallas spoke pointedly though briefly to the same effect, and that the lesser luminaries, McCandless, Hughes, Black, &c., &c., met the Whigs boldly (impudently were perhaps the more appropriate adjective) in public discussions, wherein they maintained, and were held by thousands to have proved, Mr. Polk a more decided and reliable advocate of Protection than Mr. Clay! Men who regard successful knavery as a proper incitement to mirth may smile at this whole matter—may deride, as does the *Charleston Mercury*, the ignorance and stupidity of Pennsylvania—but must not the thoughtful patriot be driven to mournful auguries for the Future when he re-

flects that among the fruits of these representations are the Presidency of Mr. Polk, the Annexation of Texas, the Mexican War and the Tariff of '46?

If it were necessary to adduce one particle of testimony, beyond that which this letter and its results have furnished, of the gigantic fraud whereof the Kane manœuvre was a chief instrument—the skeleton key wherewith Mr. Polk picked his way into the White House—the recent and present attitude of Pennsylvania—we mean of the dominant party there—would be conclusive. Her two Senators, with eleven of her twelve Representatives who electioneered and voted for Mr. Polk and the great mass of her journals of like faith, unite in saying, “This Tariff of '46 is by no means consistent with the Kane letter as we understood and still understand it—it is utterly incompatible therewith. We have been grossly deceived. We assured our people that Mr. Polk was friendly to Protection, as the Kane letter plainly asserted. If we duped them, it was only because we ourselves were duped!” Bear in mind that while they were using this Kane letter to prove Mr. Polk a protectionist, he was an attentive and by no means indifferent spectator of the canvass. Whether they knew that they were deceiving those who put faith in their representations or not, *he* could not fail to know it. Could an honest man have stood mute while such a serious misapprehension was being industriously propagated—propagated for his benefit, and credited to another man's prejudice? Surely, the answer of all pure hearts, of all unsullied consciences, must be uniform on this point.

But the drama is played out—the actors have stripped off their masks—the end is achieved. By the President whom Pennsylvania elected, of whose Cabinet the most eminent certifier in 1844 of Mr. Polk's tariff orthodoxy is chief—whose Secretary of the Treasury was born on her soil, and is now the most conspicuous and thorough antagonist of her long-cherished principles—the overthrow of the Protective Policy has been accomplished. And, as if to make the work complete, the Vice-President so indulgently awarded her by the Baltimore Convention as a hostage for the party's fidelity to her interests—whose election was urged on the ground that it would give her three votes in the Senate on every question affecting her cherished poli-

cy—George M. Dallas himself, has given the decisive vote against Protection and in favor of the Tariff of '46! Let us patiently wait and see whether this be indeed the end.

Before entering upon any particular observations on the character, provisions and probable effects of the Tariff of 1846, we may be indulged in a few general suggestions bearing on the Tariff controversy at large.

And, first, we remark that none of those who have so ably discussed this subject, either in the formidable tomes which are too generally regarded as infallible text-books of Political Economy, or in the able debates of the last session of Congress, seem to us to have contemplated directly and given sufficient weight to the peculiarities of our National condition. We are one people, but diffused over a rapidly widening area which far exceeds the civilized portion of the Old World. Our country presents a diversity of soil and climate, of capacities and products, which all Europe combined cannot rival. It is quite common to see arguments pass unchallenged which rest on such bases as these—France injures herself in refusing the Iron and Coal, Spain in rejecting the Cottons, Russia in declining the Woollens of Great Britain; *ergo*, we ought not to protect our own Iron, Coal, Cottons and Woollens! But the logic falls short; if admitted in all its legitimate force, it would only prove the expediency of a Free Trade between the various sections or States of our own vast empire, which nobody is disputing. Prove that nations separated but by an imaginary line, or a few hundred miles at most, may advantageously exchange products, and you have barely begun to prove a like advantage in exchanges of commodities, bulky at least on one side, between nations whose shores are thousands of miles distant.

But in truth no intelligent advocate of Protection contends for anything like the exclusion of British Coal from France and of French Wines and Silks from Great Britain—assuming such to exist. The flippant aphorisms and sorry jests of our adversaries averring the absurdity of attempting to grow grapes in Nova Zembla and fabricate ice in Ceylon—to make sugar at Labrador or extract sunbeams from cucumbers—are based on an entire misapprehension or culpable perversion of our views. What we do maintain, as

we have a thousand times re-stated, is, that sound policy dictates to each country—or at least to each country so vast and so versatile in capacity of production as our own—the expediency of producing within its own limits all articles requisite to its own sustenance and comfort so far as Nature has interposed no obstacle. If, for example, Nature has decreed that the tea-plant shall flourish only in China and its vicinity, unless by an extraordinary bestowment of labor and care, then the production of Tea ought to be nowhere else an object of National solicitude and protection. But prove to us that Tea will grow in parts of this country as well as in the corresponding latitudes of Eastern Asia, and we would urge the immediate imposition of a Protective duty on Tea sufficiently stringent to encourage our people to engage in this branch of industry and to enable them to overcome the difficulties and disappointments always incident to such an enterprise. Admit that our annual supply of the fragrant herb would for a time be enhanced in cost by nearly the amount of the duty, (the difference mainly going into the Federal Treasury,) and we could not doubt that the ultimate reduction in cost consequent on production within the neighborhood of the consumer would more than compensate the original disadvantage of Protection, looking at the matter merely in the narrowest mercantile point of view. “Dear-bought and far-fetched” is an axiom the truth of which but partially depends on the cost of transportation. Wherever A and B, producers respectively of articles desirable to each other, are neighbors and exchange their respective surpluses directly, the cost of such exchange is usually trifling and the product of their united labor is shared between them. But place them a few hundred miles apart, and you have now not only transportation, but reciprocal risks of damage or decay and the profits of two or three trafficking intermediates to subtract from the joint products of their labor before you arrive at the amount left for their enjoyment. Increase this distance to thousands of miles, and place formidable barriers of mountain and valley as well as more pliable water between them, and you have greatly increased the proportion of their joint product which must be subtracted to satisfy the legitimate demands of Commerce. Hence the circumstance that the naturalization of new branches of Indus-

try has scarcely ever failed to reduce the cost to the domestic consumers of the articles produced thereby. Thus, while the whole of Europe and Western Asia for century after century procured their Silks from India and China by slow, expensive, perilous overland journeys of caravans, the cost of a pound of Silk averaged nearly a pound of Gold, though Gold was more valuable then than at present. Probably it cost a good deal more than this to produce the first pound, or the first hundred pounds, of Silk grown in Europe; but after the Silk Culture and Manufacture had been thoroughly established there, the price of the product inevitably declined, and is now as low as in China. So with hundreds of other articles in all parts of the world.

But we deny that the mercantile is the only light in which this subject should be viewed. Suppose it were true that our Cloths and Wares would for many years cost twenty-five per cent. more if made here than if brought from England—would it therefore be proved advantageous to buy them abroad? We say it would not, for these among other reasons:

1. Because the price of Agricultural staples is enhanced and the productiveness of Farming increased by the creation of markets of consumption in the midst of our rural population. Does any doubt this? Let him compare the value of a farm in Hamilton County, Ohio, wherein is Cincinnati, with that of an equally good farm in Richland or Stark County, in the northern part of the State. The character of the population is not materially different; their industry and thrift are much alike. Yet the Hamilton County farm is worth thrice to ten times its Richland rival. And why? Flour or Pork is no dearer in Hamilton, but the immediate vicinity of a populous community, who consume but do not produce food, enables the farmer here to secure thrice as great a return from each acre of ground as he could obtain in Richland. His fields are not more fertile, but he can here sell fruits, vegetables and other products—more profitable to him than Pork or Flour—for which he could find but a capricious or no market in Richland. So everywhere; so will it be wherever manufactures are extensively introduced. Yet Free Traders look only to the price of such great staples as Pork, Beef, Flour, &c., and if these have not advanced in price they argue that the

farmers have derived no benefit from Protection! Do they not clearly affirm upon insufficient and unreliable premises?

2. Again the difference in position between an old and a new country is never fairly considered by those who argue against Protection. We are a new people, inhabiting a country as yet not one-tenth redeemed from the primitive wilderness. In such a country, if rapidly increasing in population and improving in the arts of life, labor is generally in demand and paid higher than in older communities. Interest also is high, and the temptation of buying goods on credit and reserving available means to be employed, as is calculated, more advantageously, is with difficulty resisted. Those of her people who engage in manufactures do so under the great disadvantages of imperfect experience, less skillful workmen higher paid, and every extraneous condition favoring their foreign rivals. They are judged by their first achievements, and the judgment is naturally unfavorable. In time, if successful, all these conditions are improved, but the prejudice so created remains. Home products are supposed to be ruder, dearer, less serviceable, long after they have, through persevering endeavors, ceased to be so. The defect has ceased, but its evil consequences continue. Whoever will consider impartially the circumstances under which manufactures have sprung up in our midst must wonder rather that they have so early attained such excellence than that they have not yet all achieved perfection both in excellence and cheapness. Show us any five years of steady and efficient Protection in which they have not made rapid advances in both respects, and an argument will be found against a farther and steady persistence in that policy.

A word on the recent change of policy in Great Britain, and we pass to notice the peculiar features of the New Tariff. That Great Britain has reduced most duties is true, but has she done so in any instance to the prejudice or peril of her own Manufactures? Suppose there were no other nations on the earth but the United States and Mexico, would our country deserve any credit for liberality in repealing her duties on Cotton fabrics? Would she evince a hearty conversion to the principle of universal Free Trade? Would it be quite fair in her to urge Mexico to do likewise be-

cause of her example? Now if England, after a hundred years' efficient Protection, finds herself in a condition to undersell other nations in nearly every article she produces, we cannot consider her course fairly held up as an example for others. Grant that she has acted wisely, it by no means follows that others may wisely follow her example. If it be said that her prospective free importation of Grain is in point, we answer that Great Britain can and does produce Grain about as cheaply as any other country on the face of the earth. If her prices are higher, it is because of the enormous rents paid for her arable soil. These rents may be reduced, but her Agriculture can never be really undersold. The bulkiness and perishable nature of Grain, &c., give an advantage to the Home producer equal to twenty-five and thence to fifty and seventy-five per cent. The wheat-grower of central Illinois or Wisconsin must sell his product at twenty-five to fifty cents a bushel in order that it may be taken to England and sold there, in the absence of any duty whatever, as cheaply as the English wheat for which the grower receives one dollar to one and a quarter per bushel. The cotton-spinner in Illinois, on the other hand, must produce his fabric within five to ten per cent. of the cost in England, or he will be rivaled by British fabrics at his very door. The fact that Grain, &c., are not affected by changes of fashions or the appetite for novelty and rarity, as with textile fabrics, also tends to take their case out of the same category with fabrics of Cotton, Silk, &c.

And now to a more immediate consideration of the merits of the New Tariff. Three important principles are laid down in the Report of Secretary Walker, with the approbation of President Polk, as the bases of the new system which this act is designed to establish:

1. That no duty should be levied on any article above the rate which will produce the maximum amount of revenue.

2. That the duties levied shall always be assessed at so much per centum on the value at the place whence imported, and that all specific or minimum duties be abolished.

3. That any duty imposed on the importation of an article not only enhances by so much the cost of said article to the consumer, but also that of all domestic products which compete with it in our own markets of consumption.

The first of these principles is simply a broad denial of the policy or justice of Protection in any case, and an attempt to reconcile the assumptions of Free Trade with the maintenance of any Tariff on Imports whatever. But the two are in fact irreconcilable, as a glance at the third proposition will establish. Duties for Revenue on articles rivalled by Home Labor are even more impolitic, in the view of genuine and thorough Free Trade, than duties avowedly and abundantly Protective. For if it be true, as laid down in No. 3, that all duties on articles imported, when these articles are rivalled at home, enhance by so much the cost to the consumer of the domestic rival as well as of the imported fabric, then surely a Revenue duty on such articles must not only put two dollars unjustly into the pockets of our own manufacturers for every one it puts into the Treasury, but really, (as Mr. Walker's follower, *The Globe*, has asserted,) tax the consumers ten dollars for every one it secures to the Revenue. Admit Mr. Walker's primary assumption, and you prove Mr. Walker's Tariff a most audacious and wasteful engine of robbery. If a duty be so high as to prohibit importation, the Secretary admits that his theory no longer holds; the duty now determines nothing with regard to the price; but, so long as the article continues to be imported, the duty is added to the natural price of the domestic as well as of the foreign fabric. How could a Secretary who really believed this recommend, how could a Congress who held with him enact, the imposition or continuance of *any duties at all* on such articles as Iron, Sugar, Coal, Cotton and Woolen fabrics, &c., &c.? All these, assuming the soundness of the Secretary's theory, take four or five dollars out of the consumers' pockets for every one they put into the Treasury: yet these are subjected to duties of thirty and twenty-five per cent. while Tea and Coffee—wholly imported, and therefore certain to yield to the Treasury the full amount abstracted from the consumers by the import—are admitted without duty! How shall the public be asked to put faith in theories which their proclaimers repudiate the moment they are required to put them in practice? What need of elaborate replies to the Secretary's assumptions when neither he nor any follower treats them with the least practical deference or respect?

But the Secretary's first principle is scouted in the New Tariff before us as well as his third. This act imposes duties notoriously above the maximum he contends for. To say nothing of the one hundred per cent. imposed on Spirits, Liquors and Cordials, will any man contend that the forty per cent. on imported Cigars, Snuff, and all forms of Manufactured Tobacco, is a simple Revenue duty? Bear in mind that ours is the most extensive Tobacco-growing country in the world, and that our Tobacco Manufactures are scarcely exceeded by any other. On what principle is this forty per cent. imposed, when our fabrics of Cotton, Silk, Woolen, &c., are exposed to foreign competition at rates varying from twenty to thirty per cent.? If the effect of duties be such as is laid down by the Secretary, (in No. 3,) then at least ten dollars will be taken from our consumers of Tobacco for every dollar brought into the Treasury. What means this antagonism of principle and practice?

The second principle above set forth is consistently adhered to throughout the new act. We are to have none but Ad Valorem duties after December next, and these levied on the foreign cost of the article imported. This is an important innovation in our Revenue system. No tariff hitherto framed has attempted anything of the kind. The Compromise Act of 1833 did indeed contemplate a uniform ad valorem rate of duty after 1842; but this was a duty assessed by our own officers *on the actual value of the goods in our own markets*, without regard to the cost abroad. Here was no incitement to undervaluation, no avenue opened to fraud; the true amount of duty could generally be ascertained by a mere reference to the Prices Current of the day. And yet the enemies of Protection have seized upon a passage in one of Mr. Clay's speeches in favor of ad valorem duties *on this basis* and perverted it into an affirmation of and argument for ad valorem duties computed on the basis of the Foreign or Invoice Valuation! The two systems are radically diverse. What we desire and seek to secure by Specific duties is the levying of duties which shall bear alike on the American Importer and the Foreign Agent located in our marts of commerce—on the man of moderate means and his rival who buys by millions' worth. Now the amount to be paid under an ad valorem duty, not based

on Home Valuation, will generally and almost inevitably be based on the invoice of the goods, so assessed—it can hardly be otherwise. The appraisers may in rare instances disregard the invoice, but these are exceptions which establish the general rule. Now it is obvious enough that a British or French manufacturing establishment, which keeps an agent in New York for the sale of its fabrics, will invoice them to him somewhat lower than it will sell them, (taking no account in such invoice of rents, cost of machinery, superintendence, &c., for these, it will be considered, would have to be borne whether this particular parcel of goods were made for the American market or not.) So the maker will sell to his extensive and able customer, who buys by the \$100,000 worth, cheaper than to the humbler trader who buys but to the extent of a few thousands. So far as this advantage of wealth and power over poverty and weakness is natural, it must be acquiesced in. But when the Government steps in to aggravate the disparity by charging the poorer and less favored importer a higher duty on his goods because they have cost him more, the injustice becomes intolerable.

Here is the cause of the failure of nine-tenths of the American importers of ten to twenty years ago. They had characters to maintain, their property was within the reach of our penal inflictions, and they cherished some reverence for the laws of their own country which could not be reasonably expected of the European agent or adventurer who came here to subvert certain mercantile purposes, make as much money in as short a time as possible, and return to enjoy it among his kindred and countrymen. We mean here to say nothing disrespectful to this class of residents among us. It is not their fault that our Government holds out to them temptations to fraud which all cannot be expected to withstand. That government which collects its Revenue by Ad Valorem duties which might as easily be Specific offers a direct premium to fraud and points out the way to effect it. Take the case of Woolens, for illustration, on which the new duty is thirty per cent.: one man imports \$1,000,000 worth per annum and invoices them correctly, paying duties to the amount of \$300,000. His neighbor imports a like quantity, but undervalues them an average of twenty per cent., paying but \$240,000 duty. At the end of the year

he will very probably have cleared \$50,000 by that year's business, while his honest neighbor has actually lost \$10,000. The latter has just this alternative, to undervalue likewise or be ruined. He sees that he can be honest to his creditors only by being dishonest to the Government, and he resolves to cheat where no one (as he argues) will be harmed by it, rather than where the confidence of friends will be abused and his family beggared. Hence importation under ad valorem duties soon degenerates into a strife which shall undervalue most adroitly and extensively; hence Importations increase from year to year without a corresponding increase of Revenue. The sole remedy for this is Specific Duties, and these levied upon the weight of the goods imported if possible. The German Tariff or Zollverein is based entirely on weight. Measure is generally resorted to by other nations, on articles of which the value bears no proportion to the weight. But a tariff of uniformly ad valorem duties, based on the Foreign cost of the articles imported, is a standing offer of bounty to fraud which no civilized people has hitherto in this century thought of adopting. Mr. Webster, in his great speech of July 25th and 27th on the general subject, closed his array of testimony of practical merchants and manufacturers on this head with the letter of Benj. Marshall, giving reasons for his unqualified preference of Specific Duties, and continued:

“ Well, now, does anybody gainsay this? Is there a merchant, Foreign or American, in the United States, who undertakes to contradict this opinion? Is there a man high or low who denies it? I know of none—I have heard of none. Sir, it has been the experience of this Government always, that the *ad valorem* system is open to innumerable frauds. What is the case with England? Has she rushed madly into the principle of Free-Trade done into *ad valorem* duties? Not at all—not at all. Sir, on the contrary, on every occasion of revision of the tariff of England, a constant effort has been made, and progress made in every case, to augment the number of specific duties and reduce the ad valorem duties. A gentleman in the other House (Mr. Seaman) has taken pains, which I have taken also, though I believe not quite so thoroughly as he—to go through the items of the British Tariff, and see what proportion of articles in that tariff are *ad valorem* and what are specific. Now, sir, the result of that examination shows that at this day, in

this British Tariff, out of 600 articles 500 are specific. Everything that from its nature could be made specific is made specific—nothing is placed in the list of *ad valorem* duties but such as seem to be incapable of assessment in any other form. Well, sir, how do we stand then? We have the experience of our own government—we have the judgment of those most distinguished in the administration of our affairs—we have the production of proof, hundreds and hundreds of instances, of the danger of the *ad valorem* mode of assessing duties. What is arrayed against it? Every importer of the United States, without exception, is against it. Sir, the administration has not a mercantile friend from here to the Penobscot that will come forward and give his opinion in favor of this system. I undertake to say there is not one. There may be members of the little Congress to which the honorable member from Connecticut (Mr. Niles) referred—subordinate officers about the custom house, influenced by, I know not what considerations—who may be found ready to sustain such a system. That I do not deny. But I say that no respectable importing merchant can be found between the Penobscot and Richmond, who will give his opinion in favor of it, if he is an honest man, and gets his living by importation himself. Well, then, how are we to decide? Against the authority of our own experience? Against the authority of these thousands of substantiated facts? Against these cases now blushing with recent fraud? Against the example not only of the English Government, but against that of all the continental governments—for the Zollverein carry their specific duties much farther? Against all this, what have we—what have we? Why, we have the recommendation of the President of the United States and the Secretary of the Treasury—highly respectable persons—respectable in private life—respectable, and I may say eminent, in many walks of public life—but I must add, neither of them trained in the knowledge of commerce—neither of them having had habits of intercourse with practical men of the cities. And yet here, in the first year of their administration—fresh to the duties thrown upon them, they come out with a recommendation of a change of system—they propose a new system adverse to all our own experience—hostile to everything that we have ever learned—different from the experience of every other country on the face of the earth—and which stands on the responsibility of their own individual opinions! I do not think that this is a fair balance of authority, and since nobody here will uphold it—since nobody here will defend it, it is fair enough for me to say, with entire respect to the head of the Government, and the department of the treasury, that the bal-

ance of authority is a good deal the other way."

We will only add to this, that nearly every predecessor of Secretary Walker, who has attended to the subject—including such men as ALEX. HAMILTON, ALBERT GALLATIN, ALEX. J. DALLAS, and WM. H. CRAWFORD, have urged the conversion of all remaining *ad valorem* into specific duties, to the utmost possible extent, for ample reasons given. Against these we have the authority of Robert J. Walker.

A word now on the single point on which an attempt has been made to enlist the passions of the poor in favor of the *ad valorem* system, and we leave this branch of the subject. It has been urged that *ad valorem* duties are peculiarly favorable to the poor, since they consume only the coarser and cheaper fabrics which will pay less duty under the *ad valorem* mode of assessment than under the specific. But we demur entirely to the assumption that the poor do or should buy articles of inferior cost or workmanship. The man whose income is but \$200 per year will of course buy cheaper *kinds* of fabrics than his wealthy neighbor, but he practices a sorry economy if he buys the poorest *qualities* of those kinds. Has not his wife judgment to realize that a dress of good gingham or even calico is a better purchase than one of shabby and flimsy silk? So with everything else. We insist that the poor should not buy, we hope they do not buy, as Free Trade assumes that they inevitably and indisputably must.

But then look at the case in another aspect. The Tariff of 1842 imposed a duty of \$1 25 specific on each pair of men's boots or booties imported. Was there a poor man from the St. John to the Sabine who paid a higher price for his boots because of that duty? Not one, we are confident. The great mass of our rural population never purchase a foreign-made boot whatever be the rate of duty, and they cannot be ignorant of the fact that they have obtained their boots as cheap since this duty was levied as under that of twenty per cent. *ad valorem* preceding it—or as they would if there had been no duty. But there is a small class in our cities who see fit to have their boots and other articles of dress made in Paris or elsewhere in Europe, and these have been required to pay \$1 25 on each pair of boots toward the revenue of the country; 50 per cent. on their imported

ready-made clothing, &c. Will any man contend that this impost has raised the price of boots generally to our consumers? or that it has borne with especial severity on the poor? Yet how easily could a demagogue excite an ignorant, unreflecting mass to indignation against this aristocratic Whig Tariff, which taxes Farmer Hodges' cowhide boots worth \$2 as much as the city exquisite's pair from Paris costing at least \$6! Such are the data on which the Tariff of '42 has been assailed as peculiarly oppressive in its exactions on the poor.

We have not entered upon any elaborate confutation of Mr. Walker's doctrine, that the duty on an imported article is inevitably a tax of so much on the consumer, whether he buy an imported or a rival article of domestic production. It does seem to us that no man with eyes open can have lived through the last five years without having his attention arrested by some of the myriads of facts which overthrow this position. As we write these pages, the Caledonia arrives at Boston, with tidings that the bare probability of the passage of McKay's Tariff Bill had *enhanced the price of iron in Great Britain*. Reducing our iron duties has reduced the wages of our furnace men and colliers, and increased the gains of the British iron-masters. Who will dispute that this increase of price in England must subtract so much from the anticipated reduction of price here. Our Government will receive less revenue from a ton of imported iron, when the New Tariff shall have taken effect; but the British iron-master will have obtained a higher price for it, if no other circumstance shall interfere to prevent it.

If an adversary of Protection were challenged to name an article on which an increase of duty, by the act of 1842, had produced a corresponding increase of cost to our consumers, he would doubtless point at once to Sugar. This staple is produced to any extent in but a narrow corner of the Union, where the culture has by no means been brought to perfection; the business is in few hands, and the climate is not fully adapted to the growth of the cane. It has been taken for granted, almost universally, that our sugar duties, though beneficial to the Cotton-planting interest, by preventing a greater overstock of their staple, did undoubtedly enhance, by nearly their full amount, the general cost of Sugar in this country. Yet listen to an extract from the

powerful speech of Senator DAVIS, of Mass., in opposition to the tariff of 1846:

"Mr. President, it is always difficult to combat theory and theorists; but as it is most successfully done by acknowledged facts, I will now select some of the protected articles which are best known, and in most general use, to test this doctrine of two-fold taxation. The Secretary has not informed us what articles he places in this category, but it probably embraces Brown Sugar, which is extensively made in the United States. The import for consumption, in 1845, was 100,758,315 lbs.; the gross duty upon which, at 2½ cents a pound, is \$2,518,947. The value in the foreign market was \$4,015,289, or a small fraction short of four cents a pound. The first inquiry is, how has American production affected the price in the foreign market? What is it now compared with what it has been? The price current will answer this question. It may be found at pages 720 and 721, of Doc. 6, from the Secretary of the Treasury; and I will state enough to show its character. In 1816, it ranged from 14½ to 16½ cents a pound. In 1820, 8½ to 12½ cents. In 1825, 7½ to 10 cents. In 1831, 5 to 7 cents. In 1836, 6 cents. In 1839-'40, 3½ to 4 cents. In 1844-'5, 3½ to 4½ cents a pound. These prices mark the descent under American competition; but the effect is still more manifest whenever a short crop has occurred. In 1834-'5, the crop of Louisiana was 110,000 hogsheads, and the price 5½ to 6 cents. In 1835-'6, the crop was 36,000 hogsheads, and the price rose till it reached 10 to 11 cents, or nearly doubled. In 1842-'3, the crop was 140,000 hogsheads, and the price 3½ to 4 cents. In the year following, 100,000 hogsheads, and the price rose to 5½ and 6½ cents. In the year following, which was 1844-'5, the crop was 204,000 hogsheads, and the price was 3½ to 4½ cents. From these facts, it is manifest that American production has a great influence in ruling the market, and that the people are dependent on the success of the crop for cheap sugar. Mr. President, it is difficult, by any process of reasoning, to add strength to these facts. The average price of imported brown sugar in the foreign market was, in 1845, four cents, while that of Louisiana, upon the plantation, was three cents eight mills. These facts are disclosed by the evidence derived from the Treasury Department. To my mind the evidence seems clear that the value has been greatly reduced by home competition; and it is equally clear, that if we should cease to produce it, the price would advance nearly, if not quite, two-fold. Can the duty, under such circumstances, be said, in any just sense, to operate as a tax? But the Secretary insists, that when a duty is laid upon a foreign production, 'the duty

is added to the price of the import, and also of its domestic rival.' The consumption of brown sugar in the United States is estimated at 350,000,000 pounds. We import 100,000,000 pounds; and consequently, 250,000,000 pounds are the product of the United States. If the duty of two-and-a-half cents a pound is a tax upon this domestic rival, then the sugar-producers received, last year, as a bounty, \$6,250,000, extorted from the pockets of the people. But is it not answer enough to this theory when I prove, from official documents, that 204,000,000 of this production was sold at an average price below the cost of sugar in foreign countries? This fact being established, I shall leave it for the advocates of the doctrine to maintain this theory of taxation upon domestic production, and I think it will put into requisition all their ingenuity."

To the same effect, and even yet more conclusive, is the demonstration of the effect of Protection on the price of Cotton-Bagging, given in the speech of Hon. ROBERT TOOMBS, of Georgia, to the House, at an earlier day. No item in our successive Tariffs for Protection has been opposed with greater determination and acrimony than that looking to the home manufacture of our Cotton-Bagging. It has been stigmatized over and again as an exorbitant tax on the entire Planting industry of the country, for the benefit of a few pampered manufacturers of bagging. Inch by inch the ground has been doggedly contested, the duty on bagging being treated as more palpably and exorbitantly oppressive than almost any other. Inconveniently long as the following extract is, therefore, we do not feel willing to spare a single word of it; and we think every one who reads it will thank us for giving this testimony by a representative of cotton-planters to the palpably beneficent effects of Protection on their own business. Mr. Toombs says:

"The history of the trade in cotton-bagging in the South for the last four years, has demonstrated the utter worthlessness of calculations based upon the theories of the friends of free trade. This is an article of almost universal consumption in the South. It was therefore selected to illustrate how much the cotton-planters, in the intemperate language of the friends of free trade, were 'robbed and plundered' by your tariff policy. Time has destroyed its efficiency for popular delusion. The results have satisfied many, even of the most prejudiced, that,

whatever may be the abstract truth of the theory of free trade, the trade in cotton-bagging is an exception to the rule.

"To this class there are some exceptions. The Secretary of the Treasury has the unscrupulous boldness to assert, in the face of the most overwhelming facts demonstrating the fallacy of his opinion, that 'the duty on cotton-bagging is equivalent to 55.20 per cent. ad valorem on Scotch bagging, and to 123.11 per cent. on the gunny-bag; and yet the whole revenue from these duties has fallen to \$66,064 50. Nearly the entire amount, therefore, of this enormous tax makes no addition to the revenue, but inures to the benefit of about thirty manufacturers.' Mr. Walker intends, in the above extract from his report, to induce the cotton-planters of the South to believe that these assumed duties of 55.20 and 123 11 per cent. ad valorem (neither of which are true in point of fact) operate as taxes to their full amount, both upon the foreign and domestic bagging, and accordingly raise the prices of both the foreign and domestic bagging to the amount of these duties; and that, with the exception of the small amount of revenue collected upon the foreign article, 'the entire amount of this enormous tax inures to the benefit of about thirty manufacturers.' As different amounts of duty are levied upon different foreign competitors with the domestic article, it might have thrown new light upon this peculiar system of political economy to have informed the country whether the Kentucky bagging ought to rise 55.20 per cent. or 123.11 per cent. by the imposition of these duties. We are unable to get any key to this mystery from the actual prices of the commodity since the duties were imposed; for every description of the article, both foreign and domestic, has *declined* in price since the passage of the act of 1842. Since the introduction of the business of making cotton-bagging in Kentucky—since our own countrymen have come into competition with the foreigner in producing it—the price of bagging has fallen to less than one-third of its average price before that period. It is at this moment manufactured in the United States and sold to the consumer for less money than it cost in Dundee when the Tariff of 1842 was passed, and less than its present cost there, according to the price fixed by Mr. Walker for estimating the ad valorem duty upon it. The last position is a mere matter of calculation upon Mr. Walker's estimate of the duty; the first I shall proceed to prove by conclusive evidence. Mr. Calhoun believed, in 1842, that the present duty on cotton-bagging would raise the price to the extent of the highest duty, and thus greatly injure the cotton-planter. He therefore vehemently opposed it. It is

due to candor to state that it was the prevailing opinion, at that time, among gentlemen of both political parties at the South, that this duty would injuriously affect the cotton-planter; hence it met with general opposition then from both parties. Testing this duty by his principles of political economy, Mr. Calhoun worked out, with mathematical certainty, as he supposed, the precise amount of injury which the cotton-planters were to sustain by this duty. During the debate on the Tariff of 1842 in the Senate of the United States, the duty on cotton-bagging being under consideration, it appears from the report contained in the Congressional Globe and Appendix, page 802, that

“Mr. Calhoun observed that this was a subject in which those whom he represented, and the whole Southern region, were deeply interested. He submitted the following:—

A statement of the additional cost on the cotton crop of the year (estimated at 2,000,000 bags) in consequence of the proposed duty on cotton-bagging, rope, and twine.

The cost on a bag, estimated at 400 pounds, 5 1-2 yards bagging, at 5 cents the square yard, equal to 6 1-9 cents the running yard, and equal to 68 per cent. ad valorem on the invoice, - \$00 33 11-18
Six pounds of rope, at 6 cents per pound, and about equal to 110 per cent. ad valorem, - 00 36
Quarter of a pound of twine, at 6 cents duty per pound, and about equal to 30 or 40 per cent. ad valorem, - 00 01 1-2

Cost per bag, - \$00 71 1-9

“2,000,000 of bags, at 71 1-9 cents per bag, is equal to \$1,422,222. The gross value of the crop, estimated at 7 1-2 cents per pound, would be \$60,000,000. And the additional cost, in consequence of the duty on these articles, would be equal to 2 1-2 per cent—that is, 2 1-2 bags in the hundred, or 1 bag in 37, and 54,000 bags in the crop; and estimating the number of factories for bagging at 21 in the United States, it would be equal to 2,571 to each. The reduction of the duty to 3 1-2 cents per yard would reduce the cost on the crop to about \$1,200,000.”

“The bill was passed; the duty was imposed; the test of experience was applied to this calculation, and found it to be wholly erroneous. Bagging, rope, and twine, instead of rising in proportion to the duty, did not rise at all in price, but fell. Instead of laying an additional price upon their bagging, rope, and twine, equal to the duty, and thereby levying upon us a tax of two bales and a half of our cotton in the hundred, as Mr. Calhoun supposed, the Kentucky manufacturers of these articles were compelled by the workings of the inevitable laws of trade to sell them much less than they did before. Instead of getting 71 1-9 cents *additional* price for the

quantity of bagging, rope and twine necessary to prepare a bag of cotton for market, they are compelled to sell that quantity for less than the estimated *additional* price which Mr. Calhoun thought the duty would give them, which is shown by the following table, based upon actual prices at the Kentucky manufactories, to wit:

Five and a half yards of good bagging, at 8 1-2 cents per yard, -	\$00 46 3-4
Six pounds of good rope, at 3 1-2 cents per pound, -	00 21
Quarter of a pound of twine, at 8 cents per pound, -	00 02
	<hr/> 00 69 3-4

“These prices of bagging, rope, and twine are taken from the quotations of their prices at Louisville for the last three months. I believe they are not lower than the average for the last twelve months. That they are accurate I know by actual purchases of those articles in that market, within a few days past, for my own use. These prices show that bagging now sells for within less than two and a half cents of Mr. Calhoun's estimate of the duty, and that rope now sells for but a little more than a half of his estimate of the duty. It also appears that cotton-bagging is now sold by the manufacturers in this country for less than the cost of Dundee bagging in Dundee, during the year 1842. In the report of the same debate it is stated, ‘Mr. Calhoun read a letter, from one of the first merchants in South Carolina, quoting the price of Scotch bagging, fit for the cotton-planters, at five pence per yard.’ Other gentlemen submitted different statements. Mr. Benton, after reviewing these different statements, in the same debate, says—‘About thirteen or fourteen cents may be assumed as the average or usual cost of the article in Dundee and Inverness, whence it comes.’ A comparison of the present prices of domestic bagging in this country, at the factories, with these Scotch prices, show that we now make good bagging in Kentucky more than five cents per yard less than it cost in Dundee in 1842, and for three or four cents per yard less than the present price in Scotland, ascertaining the price according to Mr. Walker's estimate of it for fixing the ad valorem duty. It is now generally sold in the larger markets for distribution at less than the Scotch price in 1842, when the tariff bill was passed. It is also a well-known fact, to every cotton-planter, that, notwithstanding the duty, and the cheapness of its production, the gunny-bag has continued to fall in almost exact proportion with other descriptions of bagging, showing how little influence the cost of production may have over the market price of a commodity in

a country remote from the place of its production.

"These facts have wholly demolished the hempen pillar of this free trade theory. Mr. Walker may lament over the destruction of revenue upon these articles, resulting from the skill, industry and enterprise of our Western countrymen. They have 'substituted,' as he terms it, cheaper and better articles of domestic production for the foreign products. I rejoice in every reduction of your revenue from imports which is produced by this sort of 'substitution.' It is an unerring index of the upward progress of the nation. I have dwelt thus long upon cotton bagging because it was selected by the Southern advocates of free trade to test their principles in 1842, and because the whole history of this trade is familiar to my own constituents. There are many other articles protected by the Tariff of 1842 which furnish similar results, but my time will not allow me to dwell longer upon particular and detailed illustrations. The friends of free trade, to sustain their theory, are compelled to assume the fact that all commodities will, necessarily and invariably, and in all markets, sell for their natural price. This proposition, so far from being generally true, is almost universally untrue. The market price is seldom, in any market, the same as the natural price; and even this natural price, from the very nature of its constituent elements, is subject to an infinite variety of disturbing causes, and, like the market price, is as variable as the winds. You can scarcely select a single item of material wealth which will not demonstrate the truth of this position. One grower of corn in a particular neighborhood, who is favored by propitious seasons, may grow an abundant crop in a year of great scarcity—it may far exceed his average product in ordinary years; yet in the sale of this corn, in his immediate vicinage, or elsewhere, he does not, in the slightest degree, regard the usual rent of land, nor wages of labor, nor average profits of stock in his neighborhood, in fixing its price. Your necessity is the usual measure of his price. The foreign manufacturer does not concern himself about how cheap he can afford to sell you his wares. He avails himself of every circumstance which affects advantageously for him the market price, and sells for the best price he can get. He will not be apt to neglect to avail himself of advantages which remoteness from the market of supply gives him. When the market of supply is remote from the place of consumption, the trade in the commodity becomes a quasi monopoly; competition is usually less; combinations to raise prices are more readily effected, and consequently profits are larger. The

history of the trade between India and Western Europe, from its early beginning, and more especially at that time, abundantly proves the truth of this position. The establishment of domestic manufactories brings our markets of supply nearer our markets of consumption, which diminishes these difficulties, and uniformly tends to lessen the market price of commodities. It produces competition between domestic producers, and between the foreign and domestic producers, and between domestic traders and foreign and domestic traders, all of which are usually beneficial to the consumer. The diminution of price produced by competition between foreign producers alone, usually swells the profits of the merchant more than it reduces the price of the commodity to the consumer. But if you so arrange your tariff laws as to enable the domestic-producers of such commodities as are suitable to the country to compete fairly with the foreign producer of like commodities, the consumer will generally get the chief advantage from the reduction of price produced by competition in both countries. All these causes, together with many others which I cannot now comment upon, counteract this tendency of duties to enhance prices, and overturn this assumption, upon which the theory of free trade is built."

Need we add one word? Is not the demonstration complete?

A single quotation more will be pardoned us, extended as this article is. It has reference to Mr. Walker's fundamental principle that no duty shall be laid at a higher rate than that which will produce the greatest aggregate of revenue. That a tariff may be so adjusted as in the whole to afford adequate Revenue and adequate Protection, is demonstrated by abundant experience. But the requirement that *each duty* shall be levied with express reference and in entire conformity to Mr. Walker's principle, is fatal to the existence of Protection as a recognized element of National Policy. It makes the prosperity and happiness of the People subordinate to the needs and caprices of the Government—puts the creature above the creator. It is giving body and verity to Moore's allegory of the Divine Right of Kings as a fly worshipped as a God, with the People as the bullock daily sacrificed on this divinity's altar. This year the Government needs money, and imposes a duty which operates as an incidental Protection to some important branch of our National Industry; but next year this Revenue is not needed, so

the duty is taken off, and a large class of our laborers exposed to a ruinous Foreign competition. Tens of thousands of citizens must suffer because the Treasury is plethoric and the Government easy in its money matters! Is this Republican Legislation? Consider the following extract from the speech of the Hon. REVERDY JOHNSON of Maryland, in the Senate, July 25th, viz:

"See how this doctrine breaks down the whole domestic industry of the country. The President says he has always been in favor of incidental protection; and he understands that to be the protection which a tax imposed exclusively for revenue gives to the manufacturer. Now, what is that tax? It is, they tell us, a tax to be limited to the wants of the government, and you are to look and see how much tax any particular article will bear, so as to yield the largest practicable amount of revenue: that is the principle. Well, if it is a sound principle, if it is the only constitutional principle, it will be as sound and constitutional ten years hence as it is now. It is a principle which is always to limit the fiscal legislation of Congress. Now let us look at its practical operation upon the domestic industry of the country. It seems to me that its inevitable effect must be to strike it all down. In illustration of this, take any taxable article—coarse cottons, for example. I will assume that we have now no tax on coarse cottons, that they are free from duty, and that there is no competition here of a home fabric; how are we to proceed that we may raise the largest practicable revenue on its importation? What is to be ascertained? First, what is the amount of their consumption in the United States. When we have ascertained this, then how much tax they will bear without diminishing the present consumption. These being found, we lay our tax, say thirty per cent. *ad valorem*. The people of New England, famous as we all admit them to be for industry, enterprise and shrewdness, take it into their heads that they could make the same article with the protection in the home market which a tax of thirty per cent. on the foreign articles would give them. Accordingly, they proceed to establish their factories; they produce an article as good, if not better, than the imported, and they make a heavy profit, perhaps more than the ordinary average profit of business men around them. Meanwhile the population of the country increases, the quantity of cottons consumed increases with it, and the annexation of Texas increases the demand still further. As demand increases, factories are multiplied, until they have gone on and invested a hundred millions of dollars in these establishments; thousands and tens of thou-

sands of operatives find good wages and constant employment; the consumption of the country is supplied to the whole extent that these factories can make; and the domestic article vies with the foreign, and is fast getting ahead of it. What happens? the Government gets into a situation in which it needs more money; and what does the President say? I want a hundred millions of dollars, and we cannot raise it, without making as much out of foreign cottons, imported as we can possibly get. Experience shows, that under the tax of thirty per cent., foreigners do not supply our market, that it discourages the importation; we must diminish our tax, we must tax foreign cottons to the revenue standard only, and what is that? Why, the Secretary says, it is the lowest tax that will raise the greatest revenue; thirty per cent. is too high, it keeps out the foreign article; as long as we keep on that tax, American factories will continue to rise. Millions of dollars are invested; thousands of families have dedicated themselves and capital to that branch of business, and they are contented and happy, and they are supplying the demand. This will never do, says the President and his Secretary; we must bring in more foreign goods, we must reduce the tax so low that the foreign manufacturer can supply the whole demand: no sooner said than done; down goes the tax, and what is the result? Down go the factories; down goes the price of labor; down falls the laborer and his dependents upon his labor; down goes the agriculture of those who supply their various wants; and down goes the wealth and prosperity of the nation. And why all this? Why, forsooth, because the only constitutional mode of laying taxes is to make the tax the very lowest, which will bring the highest amount of revenue."

It is remarkable that throughout the discussion of this Tariff, especially in the Senate, there was scarcely an effort made by the friends of the measure to meet the strenuously urged objections of its opponents. In vain did we press them, alike in the debates and in the journals, to give us some reason, some excuse for, some palliation at least, of the extraordinary anomalies of this measure—of its duties of 30 per cent. on coarse Wool, for example, parodied by the assessment of 20 and 25 per cent. on Woolen Blankets, Flannels, Baizes, &c., &c.—its 30 per cent. on Hemp, and 25 on Cables and Cordage—its 30 per cent. on Paper and 10 on Books—its 5 per cent. on Pig Copper, while Sheathing Copper and Sheathing Metal are admitted by it free of duty, &c., &c. They were pressed

to reconcile these, not with our principles, but with their own, or with any principles whatever that did not absolutely contemplate the building up of Foreign Industry on the inevitable ruin of important branches of our own. All was fruitless—they refused, as they still refuse, to offer or attempt any justification of these discriminations against American Labor. Indeed, they seemed in the Senate to regard all deliberation, all discussion, as preposterous and out of place. 'The Party,' had resolved that the bill should pass as it came from the House, therefore refused to send it to any committee, refused to debate its merits, and when at last it was, by a majority of one, referred to the Committee of Finance with express instructions to correct these glaring anomalies, it was promptly reported back unaltered, with a declaration that the Committee could not *understand* the instructions given them! Thus thrown back on the Senate, all essential amendment refused, the measure was driven through that body by

a majority of a single vote, and became the law of the land.

As such, it behoves all good citizens to obey its provisions. Let no factious resistance, no unmanly despair, be manifested by the friends of Protection. If this measure be such as it seems to us—if it produce the results which appear to us inevitable—it cannot be persisted in. We care not for the ostentatiously paraded majority of the Administration in the next Senate—we are confident that majority will never be practicably realized; or, if realized, can never be rallied to persist in a measure so baleful as we feel that this Tariff of 1846 must be. Patiently, firmly, hopefully, then, let the friends of Protection to Home Industry bide their time. There is a recuperative energy in free institutions which rarely permits the continuance of flagrant impolicy or crying injustice. If we have not misread the signs of the times, the Tariff of 1846 will precipitate the ruin of its contrivers and hasten the day of our National redemption.

PAUL JONES.*

MR. MACKENZIE, in the work before us, has given a full and interesting account of the life of Paul Jones. The narrative is easy, and unencumbered with superfluous trash, such as is too frequently attached to works of this kind. Without any attempts at fine writing—without even one brilliant passage that we can now recall—it is still well written. Very few military men are fit to write popular works on war or warlike characters. To them battles are a business transaction, and they describe them with true professional brevity and technicality. They give us but the skeletons of campaigns and engagements, leaving them without flesh and blood. Napier is an exception to this remark, and while his details of the peninsular war are complete and reliable, his descriptions of a battle are often thrilling and eloquent in the extreme. Mr. Mackenzie never paints a scene, and never

seems to view it in any light but that of an officer in the navy.

The Harpers have not got up the book in a form to secure for it that place which it deserves. These two thin, coarsely printed volumes, should have been put into one well printed, well-bound volume—fitted not only for private libraries, but for those of our common schools. The life of the man who first hoisted the American flag on the ocean, and bore it triumphantly over the waves, should be within the reach of every citizen.

John Paul was born July 6th, 1747 in Kirkbean, Leith, Scotland, and was the son of a poor gardener on the estate of Arbigland. The name of Jones was entirely assumed, though for what purpose is not stated; it was probably affixed to render him unknown to his friends in Scotland, who might regard him as a traitor if they knew he was fighting against his country. At all events he

* The life of Paul Jones, by Alexander Slidell Mackenzie, U. S. N. 2 vols. Harper & Brothers.

rendered his new name immortal, and the real name, John Paul, is sunk in that of Paul Jones. By a large class of men Paul Jones is regarded as a sort of free-booter turned patriot—an adventurer to whom the American war was a God-send, in that it kept him from being a pirate. But nothing could be farther from the truth. He was an adventurer, it is true, as all men are who are compelled to make their own fortunes in the world, and had all the boldness and rashness which are necessary to success in military life. Born by the sea-shore where the tide heaves up the Solway—living on a promontory whose abrupt sides allowed vessels to approach almost against the shore—surrounded by romantic scenery, and with the words of sea-faring men constantly ringing in his ear, he naturally, at an early age, abandoned his employment as gardener, and became a sailor. Independent of the associations in which he was placed leading to such a course of life, he was of that poetic, romantic temperament which always builds gorgeous structures in the future. No boy, with a fancy like that of Paul Jones, could be content to live the hum-drum life of a gardener's son. To him this great world presents too wide a field, and opens too many avenues to fame, to be lightly abandoned, and he launches forth with a strong arm and a resolute spirit to hew his way among his fellows.

Paul was but twelve or fourteen years of age when he was received as a sailor on board the ship *Friendship*, bound to Rappahannock, Virginia. Thus early were his footsteps directed towards our shores, and his whole future career shaped by it. The young sailor, by his skill and industry, was soon promoted to the rank of third mate, second mate, first mate, supercargo, and finally captain. Thus he continued roaming the sea till he was twenty-six years of age, when a brother of his, a Virginia planter, having died intestate without children, he took charge of the estate for the family, and spent two years on the land.

In 1775, when the American Revolution broke out, the young Scotchman commenced his brilliant career. His offer to Congress to serve in the navy was accepted, and he was appointed first lieutenant in the *Alfred*. When the commander-in-chief of the squadron came on board, Jones unfurled the national flag—the first time its folds were ever given to the breeze. What that flag

was, strange as it may seem, no record or tradition can certainly tell. It was not the stars and the stripes, for they were not adopted till two years after. Our author thinks it was a pine tree, with a rattlesnake coiled at the roots as if about to spring, and that is the generally received opinion. At all events it unrolled to the breeze, and waved over as gallant a young officer as ever trod a quarter-deck. If the flag bore such a symbol it was most appropriate to Jones, for no serpent was ever more ready to strike than he. Fairly afloat—twenty-nine years of age—healthy—well knit, though of light and slender frame—a commissioned officer in the American Navy—the young gardener saw with joy the shores receding as the fleet steered for the Bahama Isles. A skillful seaman—at home on the deck, and a bold and daring man—he could not but distinguish himself, in whatever circumstances he might be placed. The result of this expedition was the capture of New Providence, with a hundred cannon, and abundance of military stores. It came near failing, through the bungling management of the commander-in-chief, and would have done so, but for the perseverance and daring of Paul Jones.

As the fleet was returning home, he had an opportunity to try himself in battle. The *Glasgow*, an English ship, was chased by the whole squadron, yet escaped. During the running fight, Jones commanded the lower battery of the *Alfred*, and exhibited that coolness and daring which afterwards so characterized him.

Soon after, he was transferred to the sloop *Providence*, and ordered to put to sea on a six weeks' cruise. It required no ordinary skill or boldness to keep this little sloop hovering amid the enemy's cruisers, and yet avoid capture. Indeed, his short career seemed about to end, for he found himself, one day, chased by the English frigate *Solebay*, and despite of every exertion overhauled, so that at the end of four hours his vessel was brought within musket shot of the enemy, whose heavy cannon kept thundering against him. Gallantly returning the fire with his light guns, Jones, though there seemed no chance of escape, still kept his flag flying, and nothing but his extraordinary seamanship saved him. Finding himself lost in the course he was pursuing, he gradually worked his little vessel off till he got the *Solebay* on his weather

quarter, when he suddenly exclaimed "up helm" to the steersman, and setting every sail that would draw stood dead before the wind, bearing straight down on the English frigate, and with his flag still fluttering in the breeze, passed within pistol shot of his powerful antagonist. Before the enemy could recover his surprise at this bold and unexpected manœuvre, or bring his ship into the same position, Jones was showing him a clean pair of heels. His little sloop could outsail the frigate before the wind, and he bore proudly away. He soon after had another encounter with the English frigate *Milford*. He was lying to, near the Isle of *Sable*, fishing, when the *Milford* hove in sight. Immediately putting his vessel in trim, he tried the relative speed of the two vessels, and finding that he could outsail his antagonist, let him approach. The Englishman kept rounding to as he advanced, and pouring his broadsides on the sloop, but at such a distance that not a shot told. Thus Jones kept irritating his more powerful enemy, keeping him at just such a distance as to make his firing ridiculous. Still it was a hazardous experiment, for a single chance shot crashing through his rigging might have reduced his speed so much as to prevent his escape. But to provoke the Englishman still more, Jones, as he walked quietly away, ordered one of his men to return each of the enemy's broadsides with a single musket shot. This insulting treatment made a perfect farce of the whole chase, and must have enraged the commander of the *Milford* beyond measure.

He continued cruising about, and at the end of forty-seven days returned to *Newport* with sixteen prizes. He next planned an expedition against *Cape Breton*, to break up the fisheries; and though he did not wholly succeed, he returned to *Boston* in about a month with four prizes and a hundred and fifty prisoners. The clothing, on its way to the *Canada* troops, which he captured, came very opportunely for the destitute soldiers of the *American* army. During this expedition Jones had command of the *Alfred*, but was superseded on his return, and put again on board his old sloop, the *Providence*. This was the commencement of a series of unjust acts on the part of our government towards him, which as yet could not break away from English example, and make brave deeds the only road to rank. It insisted, according to

the old continental rule, with which *Bona-parte* made such wild work, on giving the places of trust to the sons of distinguished gentlemen. Jones remonstrated against this injustice, and pressed the government so closely with his importunities and complaints, that to get rid of him it sent him to *Boston* to select and fit out a ship for himself. In the mean time he recommended measures to government respecting the organizing and strengthening of the navy, which shows him to have been the most enlightened naval officer in our service, and that his sound and comprehensive views were equal to his bravery. Most of his suggestions were adopted, and the foundation of the *American* navy laid—thanks to the first man who ever hoisted our flag on the seas.

Soon after, (June, 1777,) he was given command of the *Ranger*, and informed in his commission that the flag of the *United States* was to be thirteen stripes, and the union thirteen stars on a blue field, representing a new constellation in the heavens. With joy he hoisted this new flag, and put to sea in his badly-equipped vessel, steering for *France*, where he was by order of his government to take charge of a large vessel, there to be purchased for him by the *American* Commissioners. Failing in this enterprise, he again put to sea in the *Ranger*, and steered for *Quiberon Bay*. Here, sailing through the *French* fleet with his brig, he obtained a national salute, the first ever given our colors. Having had the honor first to hoist our flag on the water, and the first to hear the guns of a powerful nation thunder forth their recognition of it, he again put to sea and boldly entered the *Irish Channel* and captured several prizes.

Steering for the *Isle of Man*, he planned an expedition which illustrates the boldness and daring that characterized him. He determined to burn the shipping in *Whitehaven*, in retaliation for the injuries inflicted on our coast by *English* ships. More than three hundred ships lay in this port, protected by two batteries composed of thirty pieces of artillery, while eighty rods distant was a strong fort. To enter a port so protected and filled with shipping, with a single brig, and apply the torch, under the very muzzles of the cannon, was an act unrivaled in daring. But Jones seemed to delight in these reckless deeds—there appeared to be a sort of witch-

ery about danger to him, and the greater it was the more enticing it became. Once when government was making arrangements to furnish him with a ship, he urged the necessity of giving him a good one, "for," said he, "*I intend to go in harm's way.*" This was true, and he generally managed to carry out his intentions.

It was about midnight on the 22d of April (1778) when Jones stood boldly in to the port of Whitehaven. Having got sufficiently near, he took two boats and thirty-one men and rowed noiselessly away from his gallant little ship. He commanded one boat in person, and took upon himself the task of securing the batteries. With a mere handful of men he scaled the breastwork, seized the sentinel on duty before he could give the alarm, and rushing forward took the astonished soldiers prisoners and spiked the cannon. Then leaving Lieutenant Wallingsford to fire the shipping, he hastened forward with *only one single man* to take the fort. All was silent as he approached, and boldly entering, he spiked every cannon, and then hurried back to his little band. He was surprised, as he approached, not to see the shipping in a blaze, and demanded of his lieutenant why he had not fulfilled his orders. The latter replied that his light had gone out, but he evidently did not like his mission, and purposely neglected to obey orders. Everything had been managed badly, and to his mortification he saw the day beginning to dawn, and his whole plan, at the moment when it promised complete success, prostrated. The people, rousing from their slumbers, saw with alarm a band of men with half-burnt candles in their hands standing on the pier, and began to assemble in crowds. Jones, however, refused to depart, and indignant at the failure of the expedition, entered alone a large ship, and coolly sat down and kindled a fire in the steerage. He then hunted about for a barrel of tar, which having found he poured over the flames. The blaze shot up around the lofty spars, and wreathed the rigging in their spiral folds, casting a baleful light over the town. The terrified inhabitants seeing the flames shoot heavenward, rushed towards the wharves; but Jones posted himself by the entrance to the ship with a cocked pistol in his hand, threatening to shoot the first who should approach. They hesitated a moment, and then turned and

fled. Gazing a moment on the burning ship and the panic-struck multitude, he entered his boat and leisurely rowed back to the Ranger, that sat like a sea-gull on the water. The bright sun had now risen, and was bathing the land and sea in its light, revealing to the inhabitants the little craft that had so boldly entered their waters, and they hastened to their fort to open their cannon upon it. To their astonishment they found them spiked. They, however, got possession of two guns which they began to fire, but the shot fell so wide of the mark, that the sailors in contempt fired back their pistols.

The expedition had failed through the inefficiency of his men, and especially one deserter who remained behind to be called the "Saviour of Whitehaven;" but it showed to England that her own coast was not safe from the hand of the spoiler, and that the torch she carried into our ports might be hurled into hers also. In carrying it out, Jones exhibited a daring and coolness never surpassed by any man. The only drawback to it was that it occurred in the neighborhood of his birth-place, and amid the hallowed associations of his childhood. One would think that the familiar hill-tops and mountain ranges, and the thronging memories they would bring back on the bold rover, would have sent him to other portions of the coast to inflict distress. It speaks badly for the man's sensibilities, though so well for his courage.

He next entered Kircudbright Bay in a single boat, for the purpose of taking Lord Selkirk prisoner. The absence of the nobleman alone prevented his success. The next day, as he was off Carrickfergus, he saw the Drake, an English ship of war, working slowly out of harbor to go in pursuit of the Ranger that was sending such consternation along the Scottish coast. Five small vessels filled with citizens accompanied her part of the way. A heavy tide was setting landward and the vessel made feeble headway, but at length she made her last tack and stretched boldly out into the channel. The Ranger, when she first saw the Drake coming out of the harbor, ran down to meet her, and then lay to till the latter had cleared the port. She then filled away and stood out into the centre of the channel. The Drake had, in volunteers and all, a crew of a hundred and sixty men, besides carrying two guns more than the Ranger. She also belonged to

the regular British navy, while Jones had an imperfectly organized crew and but partially used to the discipline of a vessel of war. He, however, saw with delight his formidable enemy approach, and when the latter hailed him, asking what ship it was, he replied: "The American Continental ship *Ranger*! We are waiting for you; come on!"

Alarm fires were burning along both shores, and the hill-tops were covered with spectators witnessing the meeting of these two ships. The sun was only an hour high, and as the blazing fire-ball stooped to the western wave, Jones commenced the attack. Steering directly across the enemy's bow, he poured in a deadly broadside which was promptly returned, and the two ships moved gallantly away, side by side, while broadside after broadside thundered over the deep. Within close musket-shot they continued to sweep slowly and sternly onward for an hour, wreathed in smoke, while the incessant crash of timbers on board the *Drake* told how terrible was the American's fire. First her fore and main-topsails were carried away—then the yards began to tumble, one after another, while her ensign, fallen also, dragged in the water. Still, Jones kept pouring in his destructive broadsides, which the *Drake* answered, but with less effect, while the topmen of the *Ranger* made fearful havoc amid the dense crew of the enemy. As the last sunlight was leaving its farewell on the distant mountain-tops, the commander of the *Drake* fell, shot through the head with a musket-ball, and the British flag was lowered to the stripes and stars—a ceremony which, in after years, became quite common.

Jones returned with his prizes to Paris and offered his services to France. In hopes of getting command of a larger vessel, he gave up the *Ranger*, and soon had cause to regret it, for he was left for a long time without employment. He had been promised the *Indian*; and the Prince of Nassau, pleased by the daring of Jones, had promised to accompany him as a volunteer. But this fell through, together with many other projects, and but for the firm friendship of Franklin he would have fared but poorly in the French capital. After a long series of annoyances and disappointments, he at length obtained command of a vessel, which, out of respect to Franklin, he named "*The Bon Homme Richard*," "*The Poor Richard*." With even sail in all—a snug little squadron

for Jones, had the different commander, been subordinate—he set sail from France, and steered for the coast of Ireland. The want of proper subordination was soon made manifest, for in a week's time the vessels, one after another, had parted company to cruise by themselves, till Jones had with him but the *Alliance*, *Pallas* and *Vengeance*.

In a tremendous storm he bore away, and after several days of gales and heavy seas, approached the shore of Scotland. Taking several prizes near the Frith of Forth, he ascertained that a twenty-four gun ship and two cutters were in the roads. These he determined to cut out, and, landing at Leith, lay the town under contribution. The inhabitants supposed his little fleet to be English vessels in pursuit of Paul Jones; and a member of Parliament, a wealthy man in the place, sent off a boat, requesting powder and balls to defend himself, as he said, against the pirate Paul Jones. Jones very politely sent back the bearer with a barrel of powder, expressing his regrets that he had no shot to spare. Soon after, in his pompous, inflated manner, he summoned the town to surrender; but the wind blowing steadily off the land, he could not approach with his vessel.

At length, however, the wind changed, and the *Richard* stood boldly in for the shore. The inhabitants, as they saw her bearing steadily up towards the town, were filled with terror, and ran hither and thither in affright; but the good minister, Rev. Mr. Shirra, assembled his flock on the beach, to pray the Lord to deliver them from their enemies. He was an eccentric man, one of the quaintest of the quaint old Scotch divines, so that his prayers, even in those days, were often quoted for their oddity and even roughness.

Whether the following prayer is literally true or not, it is difficult to tell, but there is little doubt that the invocation of the excited eccentric old man was sufficiently odd. It is said that, having gathered his congregation on the beach in full sight of the vessel, which, under a press of canvas, was making a long tack that brought her close to the town, he knelt down on the sand, and thus began: "Now, dear Lord, dinna ye think it a shame for ye to send this vile pirate to rob our folk o' Kirkaldy; for ye ken they're puir enow already, and hae naething to spare. The way the wind blaws he'll be here in a jiffie, and wha kens

what he may do? He's nae too good for anything. Mickle's the mischief he has done already. He'll burn their hoooses, tak their very claes, and tirl them to the sark. And waes me! wha kens but the bluidy villain might tak their lives? The puir weemen are maist frightened out o' their wits, and the bairns skirling after them. I canna think of it! I canna think of it; I hae been lang a faithful servant to ye, Lord; but gin ye dinna turn the wind about, and blaw the scoundrel out of our gate, I'll nae stir a foot; but will just sit here till the tide comes. Sae tak ye'r will o't." To the no little astonishment of the good people, a fierce gale at that moment began to blow, which sent one of Jones' prizes ashore, and forced him to stand out to sea. Thus fixed for ever the reputation of good Mr. Shirra, and he did not himself wholly deny that he believed his intercessions brought on the gale, for whenever his parishioners spoke of it to him, he always replied, "I prayed, but the Lord sent the wind."

Stretching from thence along the English coast Jones cruised about for awhile, and at length fell in with the Alliance, which had parted company with him a short time previous. With this vessel, the Pallas and Vengeance, making, with the Richard, four ships, he stood to the North; when on the afternoon of September 23d, 1779, he saw a fleet of forty-one sail hugging the coast. This was the Baltic fleet, under the convoy of the Serapis, of forty-one guns and the Countess of Scarborough of twenty guns. Jones immediately issued his orders to form line of battle, while with his ship he gave chase. The convoy scattered like wild pigeons, and ran for the shore, to place themselves under the protection of a fort while the two war ships advanced to the conflict. It was a beautiful day, the wind was light, so that not a wave broke the smooth surface of the sea, and all was smiling and tranquil on land as the hostile forces slowly approached each other. The piers of Scarborough were crowded with spectators, while the old promontory of Flamborough, over three miles distant, was black with the multitude assembled to witness the engagement. The breeze was so light that the vessels approached each other slowly, as if reluctant to come to the mortal struggle, and mar that placid scene and that beautiful evening with the sound of battle. It was a thrilling spectacle, those bold ships with their sails all set moving

sternly up to each other. At length the cloudless sun sunk behind the hills, and twilight deepened over the waves. The next moment the full round moon pushed its broad disc above the horizon and shed a flood of light over the tranquil waters, bathing in her soft beams the white sails that now seemed like gently moving clouds on the deep. The Pallas stood for the Countess of Scarborough, while the Alliance, after having also come within range withdrew, and took up a position where she could safely contemplate the fight. Paul Jones, now in his element, paced the deck to and fro, impatient for the contest; and at length approached within pistol-shot of the Serapis. The latter was a new ship, with an excellent crew, and throwing, with every broadside, seventy-five pounds more than the Richard. Jones, however, rated this lightly, and with his old, half worn out merchantman, closed fearlessly with his powerful antagonist. As he approached the latter, Capt. Pearson hailed him with "What ship is that?" "I can't hear what you say," was the reply. "What ship is that?" rung back, "answer immediately, or I shall fire into you." A shot from the Richard was the significant answer, and immediately both vessels opened their broadsides. Two of the three old eighteen pounders of the Richard burst at the first fire, and Jones was compelled to close the lower deck ports, which were not opened again during the action. This was an ominous beginning. The broadsides now became rapid, presenting a strange spectacle to the people on shore. The flashes of the guns amid the cloud of smoke they hung around the vessels, followed by the roar that shook the coast, while the dim moonlight, serving to but half reveal the struggling vessels, conspired to render it one of terror and of dread. The two vessels kept moving alongside of each other, constantly crossing each other's track; now passing the bow and now passing the stern; pouring in each turn a terrific broadside that made both friend and foe stagger. Thus fighting and manœuvring they kept onward, until at length the Richard got foul of the Serapis, and Jones gave orders to board. His men were repulsed, and Capt. Pearson hailed him to know if he had struck. "I have not yet begun to fight," was the short and stern reply of Jones: and backing his topsails, while the Serapis kept full, the vessels parted, and again came alongside, and

broadside answered broadside with fearful effect. But Jones soon saw that this mode of fighting would not answer. The superiority of the enemy in weight of metal gave him great advantage in this broadside to broadside firing; especially as his vessel was old and rotten, while every timber in that of his antagonist was new and staunch; and so he determined to throw himself aboard of the enemy. In doing this he fell off farther than he intended, and his vessel catching a moment by the jib-boom of the *Serapis* carried it away, and the two ships swung broadside to broadside, the muzzles of the guns touching each other. Jones immediately ordered them to be lashed together; and in his eagerness to secure them helped, with his own hands, to tie the lashings. Capt. Pearson did not like this close fighting, for it destroyed all the advantage his superior sailing and heavier guns gave him, and so let drop an anchor to swing his ship apart. But the two vessels were firmly clenched in the embrace of death; for, added to all the lashings, the anchor of the *Serapis* had hooked the quarter of the *Richard* so that when the former obeyed her cable, and swung round to the tide, the latter swung also. Finding that he could not unlock the desperate embrace in which his foe had clasped him the Englishman again opened his broadsides. The action then became terrific; the guns touched muzzles—and the gunners, in ramming home their cartridges, were compelled frequently to thrust their ramrods into the enemy's ports. Never before had an English commander met such a foeman nor fought such a battle. The timbers rent at every explosion; and huge gaps opened in the sides of each vessel, while they trembled at each discharge as if in the mouth of a volcano. With his heaviest guns burst and part of his deck blown up, Jones still kept up this unequal fight with a bravery unparalleled in naval warfare. He, with his own hands, helped to work the guns; and blackened with powder and smoke moved about among his men with the stern expression never to yield, written on his delicate features in lines not to be mistaken. To compensate for the superiority of the enemy's guns he had to discharge his own with greater rapidity, so that after a short time they became so hot that they bounded like mad creatures in their fastenings; and at every discharge the gallant ship trembled like a smitten ox, from kelso

to crosstrees, and heeled over till her yardarms almost swept the water. In the mean time his topmen did terrible execution. Ten times was the *Serapis* on fire, and as often were the flames extinguished. Never did a man struggle braver than the English commander, but a still braver heart opposed him. At this juncture the Alliance came up, and instead of pouring its broadsides into the *Serapis* hurled them against the *Poor Richard*—now poor indeed! Jones was in a transport of rage, but he could not help himself.

In this awful crisis, fighting by the light of the guns, for the smoke had shut out that of the moon, the gunner and carpenter both rushed up, declaring the ship was sinking. The shots the *Richard* had received between wind and water had already sunk below the surface, and the water was pouring in like a stream. The carpenter ran to pull down the colors, which were still flying amid the smoke of battle, while the gunner cried, "Quarter, for God's sake, quarter." Keeping up this cry, Jones hurled his pistol, which he had just fired at the enemy, at his head, which fractured his skull, and sent him headlong down the hatchway. Captain Pearson hailed to know if he had struck, and was answered by Jones, with a "No" accompanied with an emphatic phrase that told that the latter, with his colors flying, would go down, if he could do no better. The master-at-arms, hearing the gunner's cry, and thinking the ship was going to the bottom, released a hundred English prisoners into the midst of the confusion. One of these, passing through the fire to his own ship, told Captain Pearson that the *Richard* was sinking, and if he would hold out a few moments longer she must go down. Imagine the condition of Jones at this moment; with every battery silenced, except the one at which he still stood unshaken, his ship gradually settling beneath him, a hundred prisoners swarming his deck, and his own consort raking him with her broadsides, his last hope seemed about to expire. Still he would not yield. His officers urged him to surrender, while cries of quarter arose on every side. Undismayed and resolute to the last, he ordered the prisoners to the pumps, telling them if they refused to work he would take them to the bottom with him. Thus making panic fight panic, he continued the conflict. The spectacle at this

moment was awful, both vessels looked like wrecks, and both were on fire. The flames shot heavenward around the masts of the *Serapis*, and at length, at half-past ten, she struck. For a time, the inferior officers did not know which had yielded, such a perfect tumult had the fight become. For three hours and a half had this incessant cannonade, within yardarm and yardarm of each other continued, and nothing but the courage and stern resolution of Jones never to surrender saved him from defeat.

When the morning dawned, the *Bon Homme Richard* presented a most deplorable spectacle—she lay a perfect wreck on the sea, riddled through, and literally stove to pieces. There was six feet of water in the hold, while above she was on fire in two places. Jones put forth every effort to save the vessel in which he had won such renown, but in vain. He kept her afloat all the following day and night, but next morning she was found to be going. The waves rolled through her—she swayed from side to side like a dying man—then gave a lurch forward and went down head foremost. Jones stood on the deck of the English ship and watched her as he would a dying friend, and finally, with a swelling heart, saw her last mast disappear, and the eddying waves close with a rushing sound over her as she sunk with the dead who had so nobly fallen on her decks. They could have wished no better coffin or burial.

Captain Pearson was made a knight for the bravery with which he had defended his ship—what honor then did Jones deserve?

Landais, of the *Alliance*, who had evidently designed to kill Jones, then take the English vessel, and claim the honor of the victory, was disgraced for his conduct. Franklin could not conceal his joy at the result of the action, and received the heroic Jones with transport.

The remainder of this year was one of annoyance to Jones. Landais continued to give him trouble, and the French government constantly put him off in his requests to be furnished with a ship. But at length the *Alliance*, which had borne such a disgraceful part in their engagement with the *Serapis*, was placed under his command, and he determined to return to America. But he lay wind-bound for some time in the Texel, while an English squadron guarded the entrance of the port. During this delay he

was subject to constant annoyances from the Dutch Admiral of the port. The latter inquired whether his vessel was French or American, and demanded if it was French that he should hoist the national colors, and if American, that he should leave immediately. Jones would bear no flag but that of his adopted country, and promised to depart, notwithstanding the presence of the English squadron watching for him, the moment the wind would permit. At length losing all patience with the conduct of the Dutch Admiral, he coolly sent word to him that, although he commanded a sixty-four, if the two vessels were out to sea his insolence would not be tolerated a moment. The wind finally shifting, he hoisted sail, and with the stripes floating in the breeze, stood boldly out to sea. With his usual good luck, he escaped all the vigilance of the English squadron, cleared the channel, and with all his sails set, and under a "staggering breeze," stretched away towards the Spanish coast. Nothing of consequence occurred during this cruise, and the next year we find Jones again in Paris, and in hot water respecting the infamous Landais, and the almost equally infamous Arthur Lee, one of the American commissioners at Paris. At length, however, he was appointed to the *Ariel*, and ordered to leave for America with military stores. In the mean time, however, the French King had presented him a magnificent sword, and bestowed on him the Cross of Military Merit.

On the 7th of September he finally put to sea, but had hardly cleared the land when the wind changed and began to blow a perfect hurricane. Jones attempted to stretch northward and clear the land, but in vain. He found himself close on a reef of rocks and unable to carry a rag of canvas. So fierce was the wind that although blowing simply on the naked spars and deck, it buried the ship waist deep in the sea, and she rolled so heavily that her yards would frequently be under water. Added to all the horrors of his position, she began to leak badly, while the pumps would not work. Jones heaved the lead with his own hand and found that he was rapidly shoaling water. There seemed now no way of escape, but as a last resort he let go an anchor, but so fierce and wild were the wind and sea that it did not even bring the ship's head to, and she kept driving broadside to

wards the rocks. Cable after cable was spliced on, yet still she surged heavily landward. He then cut away the foremast, when the anchor probably catching in a rock brought the ship round. That good anchor held like the hand of fate, and though the vessel jerked at every blow of the billows as if she would rend everything apart, yet still she lay chained amid the chaos of waters. At length the main-mast fell with a crash against the mizen-mast, carrying that away also, and the poor Ariel, swept to her decks, lay a perfect wreck on the waves. In this position she acted like a mad creature chained by the head to a ring that no power could sunder. She leaped and plunged and rolled from side to side, as if striving with all her untamed energy to rend the link that bound her and madly rush on the rocks over which the foam rose like the spray from the foot of a cataract. For two days and three nights did Jones thus meet the full terror of the tempest. At last it abated and he was enabled to return to port. The coast was strewn with wrecks, and the escape of the Ariel seemed almost a miracle. But Jones was one of those fortunate beings, who though ever seeking the storm and the tumult are destined finally to die in their beds.

Early the next year he reached Philadelphia and received a vote of thanks from Congress. After vexatious delays in his attempts to get the command of a large vessel he at length joined the French fleet in its expedition to the West Indies. Peace soon after being proclaimed he returned to France, and failing in a projected expedition to the North-West coast, sailed again for the United States. Congress voted him a gold medal, and he was treated with distinction wherever he went. Failing again in his efforts to get command of a large vessel, he returned to France. Years had now passed away and Jones was forty years of age. He had won an imperishable name, and the renown of his deeds had been spread throughout the world. The title of Chevalier had been given him by the French king, but he was at an age when it might be supposed he would repose on his laurels. But Russia, then at war with Turkey, sought his services and made brilliant offers, which he at last accepted, and prepared to depart for St. Petersburg. On reaching Stockholm he found the Gulf of Bothnia so blocked with ice that

it was impossible to cross it, but impatient to be on his way he determined to sail round the ice to the southward in the open Baltic. Hiring an open boat about thirty feet long he started on his perilous expedition. He kept the boatmen ignorant of his plans, knowing that they would refuse to accompany him, until he got fairly out to sea. Then drawing his pistol, he told them to stretch out into the open Baltic. The poor fellows, placed between Scylla and Charybdis, obeyed, and the frail craft was soon tossing in the darkness. Escaping every danger he at length on the fourth day reached Revel, and set off for Petersburg amid the astonishment of the people, who looked upon his escape almost as a miracle. He was received with honor by the Empress, who immediately conferred on him the rank of rear-admiral. A brilliant career now seemed before him. Nobles and foreign ambassadors thronged his residence, and there appeared no end to the wonder his adventurous life had created. He soon after departed for the Black Sea and took command of a squadron under the direction of Prince Potemkin, the former lover of the Empress, and the real czar of Russia. Jones fought gallantly under this haughty prince, but at length disgusted with the annoyances to which he was subjected he came to an open quarrel, and finally returned to St. Petersburg. Here he for a while fell into disgrace on account of some unjust accusations against his moral character, but finally, through Count Segur, the French Ambassador, was restored to favor.

Our limits forbid us to follow Jones throughout his entire career, filled as it was with constant adventures both on sea and land. In 1792 he was taken sick at Paris and gradually declined. He had been making strenuous efforts in behalf of the American prisoners in Algiers, but never lived to see his benevolent plans carried out. On the 18th of July, 1792, he made his will, and his friends after witnessing it bade him good evening and departed. His physician coming soon after perceived his chair vacant, and on going to his bed found him stretched upon it dead. A few days after a dispatch was received from the United States appointing him commissioner to treat with Algiers for the ransom of the American prisoners in captivity there. The National Assembly of France decreed that twelve of its mem-

bers should assist at the funeral ceremonies of "Admiral Paul Jones," and a eulogium was pronounced over his tomb.

Thus died Paul Jones, at the age of forty-five—leaving a name that shall live as long as the American navy rides the sea. In person Jones was slight, being only five feet and a half high. A stoop in the shoulders diminished still more his stature. But he was firmly knit, and capable of enduring great fatigue. He had dark eyes, and a thoughtful, pensive look when not engaged in conversation, but his countenance lighted up in moments of excitement, and in battle became terribly determined. His lips closed like a vice, while his brow contracted with the rigidity of iron. The tones of his voice were then haughty in the extreme, and his words had an emphasis in them which those who heard never forgot. That he was brave as courage itself no one will doubt. He seemed unconscious of fear, and moved amid the storm of battle and trod the deck of his shattered and wrecked vessel like one above the power of fate. I do not believe he ever entertained the thought of surrendering his vessel to any force. It was a contingency he was unprepared for, and he acted as if convinced that his own iron will and resolute courage could overcome every obstacle. Thus, in his fight with the *Serapis*, he was fairly beaten several times, but did not seem to know it, and no doubt had resolved to sink with his flag flying. His boldness and success appear the more strange when one remembers what kind of vessels he commanded, of what materials his crews were composed, and the well-manned and ably-commanded vessels of his adversary. He would cruise without fear in a single sloop right before the harbors of England, and sail amid ships double the size of his own.

But with all his fierceness in the hour of battle, he had as kind a heart as ever beat. His sympathy seemed almost like sentimentality. To see him in a hot engagement, covered with the smoke of cannon, himself working the guns, while the timbers around him were constantly ripping with the enemy's shot, or watch him on the deck of his dismasted vessel over which the hurricane swept and the sea rolled, one would have thought him destitute of emotion. But his reports of these scenes afterwards resembled the descriptions of an excited spectator

unaccustomed to scenes of carnage and terror. He was an old Roman soldier in danger, but a poet in his after accounts of it.

Jones had great defects of character, but most of them sprung from his want of early education. He was haughty to his under officers, and frequently overbearing to his superiors. But his chief fault was his unbounded vanity. He would admit no superior, and hence never acknowledged that he received his deserts. He was constantly pushing his claims till he wearied out his friends and sometimes disgusted his admirers. He was as bombastic as he was brave—a contradiction of character seldom exhibited. There was something of the charlatan about him, which reminds one frequently of Bernadotte, and he never hesitated to puff himself, and dilate eloquently on his own achievements. Out of this same vanity grew his inordinate love of pomp and display. In this respect he aped the nobles with whom he associated. But money was frequently wanted to carry out his extravagant notions, and hence he became unscrupulous in the means he used to obtain it. He was chivalric in his admiration of women—writing poetry and making love to some one in every port where he stopped—and frequently became involved in intrigues that lessen our respect for his character. He was a restless being, and his brain constantly teemed with schemes, all of which he deemed practicable, and hence became querulous and fault-finding when others disagreed with him. Many of his plans for the improvement of our Marine were excellent, and it only wanted funds to render them worthy of immediate attention by our government. This restlessness grew out of his amazing energy—he was constantly seeking something on which to expend himself, and this was the reason he joined the Russian service after peace was proclaimed in the United States. It was this alone that carried him from his low condition through so many trials, and over so many obstacles to the height of fame he at last reached.

He was not a mere adventurer—owing his elevation to headlong daring—he was a hard student as well as hard fighter, and had a strong intellect as well as strong arm. He wrote with astonishing fluency considering the neglect of his early education. He even wrote eloquently at times, and always with force.

His words were well chosen, and he was as able to defend himself with the pen as with the sword. He now and then indulged in poetry, especially in his epistles to the ladies, and his verses were as good as the general run of poetry of that kind.

Paul Jones was an irregular character, but his good qualities predominated over his bad ones; and as the man who first

hoisted the American flag at sea, and received the first salute offered it by a foreign nation, and the first who carried it victoriously through the fight on the waves, he deserves our highest praise and most grateful remembrance.

With such a man to lead the American navy, and stand before it as the model of a brave man, no wonder it has covered itself with glory.

THOUGHTS, FEELINGS AND FANCIES.

FRIENDSHIP.

Friendship is like our shadow, keeping close to us while we walk in the sunshine, but leaving us the instant we cross into the shade.

OBSERVERS.

Observers may be considered as formed of two classes—the gazers and the gapers—of those who look with an intelligent eye upon things around them, and of those who merely stare at them with listless curiosity or indifference. These last are pupils of experience to no purpose. Schoolmaster Experience finds them very inapt scholars. If all life is a schooling, as has been said, then these gapers come into and go out of the great college of the world without taking any degrees.

Perhaps the distinction between ordinary observers and those of a higher order, is nowhere more strikingly exhibited than in their different modes of estimating character. The former take cognizance only of striking features; the latter regard the character in all its parts, even to the most delicate shades of thought and feeling.

The faculty of observing is one susceptible of cultivation more than any other, and there is also an infinite variety of objects on which it may be exercised.

"I can wonder at nothing more," says Bishop Hall, "than how a man can be idle. How numberless are the books which men have written of arts, of tongues. How endless is that volume which God hath written of the world; where every creature is a letter, every day a new page."

ECCENTRICITY.

The greatest merit of a great many people is that they do as other people do. Such persons cannot tolerate any departure from established modes of action. They move round and round in a circle, and because they keep moving, as it is somewhere observed, they fancy they are making progress; and they are never reminded of their error, even when they discover, after much motion, that they are but a short distance from their starting point.

In despite of this class it may be laid down as a rule, that where there is a great amount of character there will be a great amount of misunderstood action, which is commonly called eccentricity, and usually translated, but most unjustly, to mean—folly. I grant it is well, as Lord Brougham expresses it, to do common things in the common way, but this is distinct from a servile adoption of the principle of imitation in everything; and no man of intellect, much less a man of progressive energies, will submit to walk only in the footpaths made by the many. It is one of the conditions upon which its efficiency, or the success or failure of its efforts, depends, that the mind shall act with freedom, and be permitted to cast off, when necessary, the restraint of rules founded merely on custom, and having no basis in right.

LANGUAGE.

It is common to hear persons complain of a want of language. They should rather complain of a want of ideas. They forget that the tongue is subordinate to the intellect. Their want of con-

versation, to borrow a figure from Locke, is caused by their supposing that the mind is like Fortunatus' purse, and will always furnish them without their ever putting anything into it.

"The strong hours conquer us," says Bulwer.

I know of nothing more saddening to the spirits than to meet, after the lapse of years, with one—now sobered by time and family cares into a grave and steady matron—whom we had parted with in the flush, and bloom and hey-day of beautiful girlhood. The heart is pained to observe the change wrought in that face, once so radiant with hope and joy. We read in the subdued expression of the eye, in the still white but more marked expanse of brow, the history of many varied hours.

And then, too, as we take upon our laps the timid, smiling, bashful evidences of her nuptial joys—the beautiful reflections of her own early self—as we kiss their pretty lips, and listen to their artless prattle, we are reminded, oh, how painfully, that they also are subjects of change!

CIRCUMSTANCE.

We often hear the remark made, that men are the creatures of circumstance. It is equally true that they are the masters of circumstance, if so they will only cope with it. For one to be wholly the creature of circumstance is assurance enough that he is either worthless or imbecile. Circumstance is the material out of which we may mould our destinies: it is not altogether an agency by which our course of life is formed. To admit this would be to make us the slaves of a dumb, inanimate power, and but little superior to the brutes, who obey only their instincts, and are the only true creatures of circumstance. The noblest of all warfares is of the mind with circumstance: it is a war waged everywhere, and he is the greatest hero who accomplishes the most in it.

POETS.

I would rather read the poets than know them. I would not willfully misrepresent that class whose high calling it is to keep alive in the world the worship of the beautiful and the good, but the records of their lives show that they seldom make either firm friends or agree-

able companions. Passing so much of their time in the "life ideal," the "life actual" appears to them by contrast dull, tame and prosaic, and their imaginings of what men ought to be, make them disgusted with men as they are.

LOVE RHYMES.

It is singular how much amatory poetry is written before marriage, and how little after it. One may have but little of "the vision and the faculty divine," but on falling in love he finds that he is not without the "accomplishment of verse." 'This lets us into the secret why there are so many unsuccessful wooers. "Sir," said a lady to a gentleman who had addressed to her a copy of verses, and who afterwards solicited the honor of her hand—"Sir, I admire your person and esteem your character; your manners are pleasing, and your disposition engaging—but—but *your poetry is execrable*. I could never love a writer of such verses."

Our pride rests, not so much upon what we are, have been, or have accomplished, as upon what we fondly imagine we will be, or will, at some future time, accomplish.

There are a few who practice charity, but the many confine themselves to recommending it.

WOMEN.

Women are better than men. What sacrifices are they not capable of making; how unselfish are they in their affections; how abiding is their love! They enchant us by their beauty, and charm us by their conversation. They add grace and a softer coloring to life, and assist us to bear with its asperities. In our youth they are our instructors; in sorrow, our comforters; in sickness, the sweet beguilers of our misery. Whatever is rough in us they refine. Whatever of ruggedness there is in our natures they polish or remove. They are the only divinities on earth. Alas, that so many of them are fallen divinities. But who is it that makes them so? Who is it that takes advantage of their weakness, when that weakness should be their best claim to protection? Let him answer who abuses them.

Among the various beautiful traits of their beautiful natures, that of maternal

love should be noticed with peculiar admiration. I have heard of women-haters, and am told that such a class of beings do exist. But surely they who hold the sex lightly, and who are accustomed to speak of them in terms of reproach, can never have been spectators of the watchful tenderness, the anxious solicitude, displayed in a thousand touching incidents, of a mother for a child. They can never have witnessed her self-sacrificing devotion to her offspring, her patient and even cheerful performance of the many laborious offices of educational training, or their tongues would falter in the utterance of one word of detraction.

LIFE OF THE MIND.

The spiritual existences of poets must be more stormy than that of all other men, as they must feel and be moved by all the passions they describe.

LOVE'S LANGUAGE.

None but those who have loved can be supposed to understand the oratory of the eye, the mute eloquence of a look, or the conversational powers of the face. Love's sweetest meanings are unspoken: the full heart knows no rhetoric of words, and resorts to the pantomime of sighs and glances.

BOOK MAKING.

Where is book making to end? The

present itch for scribbling seems to point to a period when every man will have enough to do to read his own productions. Verily, the era of warfare has passed away, the era of speech has commenced, but the era of thought and few words is yet distant and to come.

ECCENTRIC MEN OF TALENT.

There is a class of observers who never profit by their observations; whose wisdom is of the abstract kind which is never exhibited in action. Always in error, yet shrewd in detecting it; keenly alive to the ridiculous, yet always themselves ridiculous; they live but to mourn their follies, which they unerringly discover only when it is too late to remove them. For their eccentricities they are esteemed fools by some and enigmas by others; while their virtues are acknowledged, and their irregularities accounted for, only by the more discerning few.

The three events which cause us to think most seriously and to feel most profoundly, and which make the most decided impression upon the character, are unsuccessful love, thwarted ambition, and the approach of death.

Vanity will sometimes make a very indifferent man a very good friend—moving him to kindness to another from a desire of obtaining his esteem.

MARCHING SONG OF THE "TEUTONIC RACE."

On, still on, the worlds are speeding
Through the heavens with step sublime;
On, still on, the nations leading,
March we through the deeps of Time!

Through the shadow of the Ages,
Onward, upward, lies our way—
Till we reach the morning-edges,
Climbing to the climbing Day!

Round us, piled in desolation,
Ghostly shapes of ruin rise;
Gloomy Terrors, hoary Errors,
Tombs of buried Centuries.

Press we on with hearts undaunted—
Leaving all that Time hath won—
Through the dusky, phantom-haunted
Passes of Oblivion.

Night is o'er us, heights before us
Human footsteps never trod;
Still ascending, we are wending
On beneath the stars and God!

* * * * *

Long the night that hath no breaking;—
Darkness dies upon our way;
Courage! lo, the world is waking,
Stirred with bodings of the Day.

Truth is dawning! see the Morning
Kindling over sea and land!
And the gilded hills are warning
That the Day-spring may not stand!

Far adown it flows and widens,
Souls are lighted by the blaze;
And the distant mountain-summits
Stand transfigured with its rays.

Listen to the acclamation
Borne along from steep to steep;
Nation calling unto nation
Like the surges of the deep.

Brothers! will ye faint and loiter,
While the acclaims around you roll?
See the glory-deepening Future;—
Onward to the beckoning goal!

Brothers, onward! lo, our standard
Soaring in immortal youth;
We're the vanguard of the nations,
Girded with the might of Truth!

* * * * *

Now the pæan swells and rises
Like the thunder of the sea;
Hark the chorus bursting o'er us—
"God, the Truth, and Liberty!"

THE LEGAL PROFESSION, ANCIENT AND MODERN.

THE BARS OF GREECE, ROME, FRANCE, ENGLAND, AND THE UNITED STATES.

We think it deeply to be deplored, and not less so on public than professional grounds, that, in our law-regulated country, this important body does not exert its due weight (or rather, perhaps, an imperfect kind) of authority; does not enjoy its histrionic and its natural consideration.

Indeed, there is a certain description of our enlightened citizens who have progressed to the degree of doubting even the mere expediency of its appropriate functions, or at most, its necessity as a qualified institution.

Others are not prepared to say that a special education may be entirely dispensed with, but shrewdly surmise the convenience of an exclusive Profession to be more than balanced, on the whole, by the abuses either inseparable from its nature, or inveterate in its American condition. This objection would seem, no less than the former, to demand the abolition of the Legal Profession, on the plain principle of Profit and Loss. These Reformers, however, would be content with throwing it open to unrestricted exercise—a proposition, for the rest, coming effectually to the same result.

A denial of the necessity or the utility of the Advocate's occupation would scarcely merit, of itself, the respect of refutation. It has a source with the vulgar error respecting the non-productiveness of the mercantile classes. That the lawyers, like the merchants (sometimes), live and thrive, is manifest to the five senses; but the *quid pro quo* which they render in return is of a nature still less apprehensible to the common intelligence, than the accession of value to material merchandise by the process

of transportation. As ancient as the practice of the law for pay, this prejudice will remain, most probably, until the multitude become more enlightened political economists than many, who dogmatize about that science, are at this day.

So too with the charge of abuse, which is of like antiquity, and exaggerated grossly. That there is, in truth, abuse, grievous abuse, we are perhaps among the farthest from inclining to deny, and certainly have no design to defend it. On the contrary, we admit, condemn, detest, denounce it; but we do more, and better—we mean to show the true way of diminishing it indefinitely, if it may not be entirely extirpated.

But while the objections themselves might be left with all impunity to the natural death of such ravings, the remedy urged in consequence of them is somewhat more formidable, though also (if this be possible) somewhat more absurd. For what could well be so absurd, as in a civilized community to propose setting a profession held pre-eminent among those distinguished as "learned," below the humblest handicraft, in the essential of preparatory instruction? And this, by way of mending the morals, and elevating the capacity and the character of our Bar! Why it is just the policy of burning down your dwelling to expel the rats! Or more exactly still, the preposterousness of abandoning it, stowed with Cheshire cheese, to the unmolested occupancy of these vermin!

Yet experience would hardly permit us to rest secure in the absurdity of the nostrum against its possible adoption.* Besides, it has, in fact, what are termed certain elements of popularity. Does it not assail a privi-

* A genius of our reforming Convention was, we have observed, already the first week of the session, in the field with a proposition to this effect. But so many other queer ones have succeeded it in that solemn assembly, that the motion to declare every man a lawyer (even as he is a "democrat") by right of birth, seems to have been thrown quite in the shade. There is one thing we think the Convention should take into consideration, if they would win the approbation of all that is sensible among their constituents, and (what they value more, no doubt) serve the country as importantly as, possibly, by most of their labors besides: we mean the adoption of the old Locrian Law, to put a halter about the neck of every "Honorable member" who proposes a measure, that he may be prepared, in the event of its failure, for strangulation by the populace. We presume our "practical" neighbor, Horace Greely—detester as he is of excessive law-making, as of excessive love-making—would consent to a provisional exception of such a case, from his forthcoming abolition of the "choking" penalty.

leged body, a sort of mental monopoly? Does its deference to the common capacity not flatter human, especially democratic, vanity? What! the sovereign makers of the law not be amply qualified—all and each—to understand and apply it! Then, has it not the appearance of vindicating the personal liberty, of choosing for advocate or litigatory agent whomever the party may please? These are no vain arguments, the auditory considered. And when we also consider that that auditory is ultimate arbiter in the premises, it were an unwise disdain to refuse the respect to purlblind power of a discussion which is due alone, indeed, legitimately to reason.

We have intimated that the pretended remedy in question—of unqualified admission—could only aggravate the evil, would in effect go to organize (so to say) the abuse complained of: for of this abuse a cardinal cause is precisely the present facility of access; and the mischief would of course augment with any increased accessibility. It follows, by inverse consequence, that the proper course is to build up, not to break down; that the path to true reform is the path of restriction. Such is also the dictate of reason and the lesson of history, as will hereinafter, we trust, satisfactorily appear.

That this direction should have been missed so perversely in the reiterated attempts to regulate the disorders of our legal practice is explained not only by the inadequacy of intelligence, but chiefly, we think, by the narrowness of the objects of the reformers. Their projects—shallow and expeditious—looked no farther than the suppression of existing abuses, which they seem to regard as incident to the normal, instead of a distempered, state of the Profession. In this view, it was natural, perhaps necessary, to seek their remedy in direct, external application of statutory enactments. But now that costly experience has at last convinced them of the futility, if not positive mischief, of all legislative contrivance to chain down the Proteus of a lawyer's cupidity and chicanery—what course do we see them take? Why, the usual resort of ignorance in despair; they are willing to commit the matter to chance. To subdue a few disorders, imaginary or real, which have proved refractory to their quackery, they would turn the whole Profession into one wide, wasting disorder; in hope, apparently,

that honor, integrity, and capacity may arise from the chaos, by some unimaginable concurrence of ignorance, depravity, presumption and pettifoggery.

All this is, as we have said, but repairing the vessel by killing the worms that gnaw it, instead of arresting the principle of putrefaction which gives them birth and sustenance. The principle of the abuse in the Legal Profession is its defects. To the defects, accordingly, it is that our idea of professional reform would fain address itself: the abuses, &c., will soon dry up when the sources are turned off. But to determine what are these defects, and especially, to exhibit them intelligibly, we must previously fix a standard of professional excellence. This will form a main division of our task. Eschewing all ideal portraiture as vague or vain, we shall draw this criterion from nature and history; we will endeavor to present a sketch, though rapid, yet as faithful as our scanty records and space may permit, of the profession of the Advocate—in its *natural origin, its social position, its distinctive character, and its corporate constitution*—such as it has arisen and developed itself in those States where it attained the highest degree of perfection, and whence not a few of its usages (if too little of its culture and dignity) have been transmitted to our own bar.

In tracing this survey, philosophical and historical, of the Legal Profession, our design is not merely to furnish a model by contrast wherewith to set the defects of the institution in this country in a strong and steady light: we design, moreover, to signalize, in going along, the conditions and contrivances whereby, especially, that model attained its excellence, and, selecting from those influences the most suitable to our occasion, to show how the induction should be applied to the exigencies of the proposed professional reform. There could not well, we presume, be a more candid or conclusive submission of ourselves to that test so mortal to most reformers—experience and evidence.

What is the *nature* of the Legal Profession? What is the relation of individuals, what the condition of society, what the exigence or the economy of affairs, in which it takes its rise and retains its establishment?

The main object of society, of the state, is to assign and to guaranty the rights of the several members. The

means are laws—whether of custom, interpretation, or enactment. From the multiplicity of the relations to be regulated, and the opposition of the interests to be adjusted, these laws or usages will, even in a very low degree of civilization, be necessarily as numerous and complicated as they must, from the nature of the subject and case, be abstract and above the ordinary intelligence. For the maxim that the laws should be known to all who are required to obey them, is a mere fiction of the law itself. History tells us it has never been so, and reason, that it could never be. And supposing them known, there would remain another, and perhaps the greater difficulty—that of effectively applying them in the assertion of violated rights. But men will never jeopardize any valuable interests upon their own management, with the consciousness of this their double deficiency of knowledge and skill. They will have recourse to those who may be distinguished in the society or the tribe for both or either, and who will be called in to supply the incapacity—*advocati*. Such is the origin of the advocate, the function as well as the name, which has its foundation, we see, in the nature of men and the necessity of affairs. And it is to secure a reasonable degree of that knowledge and talent that the wisdom of all civilized countries has sanctioned, as their wants had established, an instituted profession of the Law.

The function of the Lawyer, then, consists in supplying both the legal ignorance and the intellectual inequality of his fellow-citizens. It is his say, with the Pythian Apollo in Ennius—

*"Suarum rerum incerti, quos ego mea
ope ex
Incertis certi, compotesque concilii
Dimitto, ut ne res temere tractent tur-
bidas."*

Here we also see the eminent dignity and importance of the calling. It is conversant about the most valued mundane interests of men. Implying a confidence the most vital and absolute, it pre-supposes, of course, the entire range of moral virtues, from the nicest delicacy up to the most heroic devotion. It demands qualifications of mind, which must always be the rare fruit of no ordinary parts and education both combined.

The paramount magnitude of the interests that occupy it, the moral integrity by which it is presumed to be ever actuated, the intellectual distinction required for its exercise—such are the three columns whereupon the profession of the Advocate is (or should be) proudly elevated above every other merely temporal occupation. "A profession," (if we might slightly alter Blackstone's graceful description of the science they practice,) "whose occupation consists in distinguishing right from wrong; in laboring to establish the one and to prevent, punish or redress the other; which employs in its theory the noblest faculties of the mind, and exerts in its practice the cardinal virtues of the heart; a profession which is universal in its use and extent, accommodated to each individual, yet comprehending the whole community." Like its own deep origin, these columns too, repose upon the eternal foundation of nature. And hence, there is no rhetoric in the noble and well-known encomium, by a greater far than Blackstone, and one of the most consummate models of all its virtues:—*Un ordre aussi ancien que le magistrature, aussi noble que la vertu, aussi nécessaire que la justice: an order ancient as society, noble as virtue, necessary as justice.*

This antiquity, this dignity, this importance, are each attested by *History*.

In sketching the history of the Advocate, it is proper to premise, that with this as with all other institutions of natural origination, the thing is older than the title; as objects must have an existence distinct, palpable, familiar, before men yield to the irksome necessity of inventing them a special name.

It is also to be remarked, that the calling of the Lawyer has borne divers denominations, according as it was employed upon a particular function or department. Moreover, these branches themselves underwent a succession of transformations with the differences of social and political circumstances, with the development or the decay of municipal institutions. Furthermore, in the employment of new names to denote the fresh form of the function, the old, still adhering, were continued in popular use and confounded, as synonymous, with

* The Chancellor d'Agessseau.

the proper term. The origin, by the way, of most synonyms.

But amid all these diversities of name and modification, we discern two, and only two pervading lines of division in the Profession, which are seen to open with its earliest appearance, and to deepen and widen as it advances to perfection. The one is, between the Knowledge of the Laws and the Talent of Forensic Speaking: the respective vocaries of these pursuits were termed expressively in Roman phrase: Jurisprudents and Advocates—that is, Chamber Counsel and Barristers, in clumsy English. This appears to be a somewhat precarious division; the talent of orators is accidental, and those who possess it may also acquaint themselves thoroughly with the laws—a result to which, in fact, the tendency will be seen to be constant in ancient times in proportion to the progress of society, and which becomes easy, as well as unavoidable, through the simplification (or shallowness?) of our modern educational system. The other division is liable to no such exception: It lies between the class of Lawyers who expound and apply the Laws whether by Consultation, or by Pleading oral or written, on the one hand, and on the other, those who confine their ministry to the rules and forms of procedure: in one word, between what we shall term, the Doctrinal and Mechanical departments. Only the latter division must be of later development, depending as it does on the formation of a system of Procedure. And hence the divisions do not cross, because, strictly, not contemporaneous.

With these preliminary observations, we proceed to our history; commencing duly with Greece—that fountain of much more, perhaps, of our Jurisprudence* and civil institutions than is commonly supposed, as she is, avowedly, of our philosophy and literature.

The ministry of the Advocate we have observed divides itself at first into the two branches, Consultation and Pleading—pleading in its generic, not the Eng-

lish technical acceptation. In the States of Greece, as in every other, the former must have been the earlier in requisition. Even among the savages, the elders of the tribe (age being the Savage type of wisdom and knowledge) are resorted to for the adjudication of personal disputes. These primitive judges are mere arbiters or umpires; who, for want of established rules of law or forms of procedure, have to decide from the simple representation of the parties themselves. These referees involve the *counseling* attribution of the lawyer; which becomes separate from the judge only after the community has made some progress in a system of laws. Indeed it is remarkable how late the conjunction may linger; passing sometimes from the province of the Judge to that of the Advocate. A remnant of it survived throughout the golden days of the Roman Law. We find Augustus appointing a council of jurisconsults to direct the judges: and Gaius speaks of this as an institution *always* in being; which evinces the immemorial, the *natural*, origin we have assigned it. Of this description of Judges were the Wise Men of the Hebrews. Hence they are superficially supposed to have dispensed with professed lawyers, and we are sometimes exhorted to follow in this, as in other things, their edifying and enlightened example. It is not adverted that the fact is but a demonstration of their barbarism. So with the *Prudentes* of the Romans, to whom we have just alluded; a name which has been transmitted, with something of the institution itself of *Prudhommes*, to France, Holland and other States of modern Europe. But, as the consulting or counseling function came at last to be separated from the judging, by the establishment of Laws, so the recognition of principles of Evidence and the adoption of rules of Procedure gave birth to the avocation of the (pleading) Advocate.

What may have been the date of this event in Greece, it is now not possible to say. In the trial, represented on the shield of Achilles in the Iliad—probably

* The poems known as Homer's (which were, probably, both the customary and Bible of ancient Greece, as the Old Testament was among the Jews) were often cited as *authority*, on matters of Jurisprudence, in the pleadings and the writings of the Roman lawyers. And this respect continued to the last, as appears from the Pandects of Justinian, where Homer is characterized emphatically as *pater omnis virtutis*. The spirit, then, of the Greek institution may have descended to ours in even this channel. But Homer is cited still later by Grotius, though merely for historical illustration.

the earliest on record—it does not appear that the pleaders are not the parties themselves: though we may infer from the liquidated amount of the fine in contest—the two talents deposited beside them on the ground—that the Greeks must already, at the period of the siege of Troy, have made considerable progress in at least penal legislation. It may, however, be well supposed that, what with the codes, still in some respects unrivaled, subsequently promulgated by their several lawgivers, and the oratorical genius of that gifted race—the *artifices et doctores dicendi*, as they have been distinguished by no less a judge than Cicero—with these peculiar advantages, we say, forensic pleading would not have been slow to come into juridical use.

Be this as it may, the account is, that Pericles was the first to introduce oratory into the proceedings of the Athenian Bar. Which, possibly, means no more than that he was the most famous up to his time, and thus, by a well-known oversight of popular tradition, has impersonated or effaced the name of his predecessors, as Hercules did all the anterior heroes. Henceforth, instead of presenting themselves a statement of their case, drawn up for them, as was the practice, by the *jurisperiti* we have characterized, the parties were accustomed to bring to their aid, at the trial, some of the celebrated orators of the day. Among the earliest thus engaged, were Themistocles, Pericles and Aristides; who delivered their own compositions. The great advantage of eloquence, in litigation, once discovered, the idea naturally soon occurred of applying it in written arguments, to be recited—as thitherto the bare statement—by the parties themselves. Of these we have still some fine examples among the extant orations of Isæus. Antiphon was the first who composed these rhetorical discourses without speaking them. Both the parts were frequently united; as by Lysias, Isocrates and Demosthenes.

An office peculiarly prone to abuse could hardly be pure in its rude infancy. Demosthenes is known to have written orations for each of the parties in the same cause. More reprehensible still was his reply to Polus, an actor, who

boasted to him of having earned a talent by two day's speaking: I have earned four, by as many hours' *silence*. Isocrates was repeatedly attached for breach of the laws, in practicing a species of dialectical chicanery.

This we adduce to put our own "sharp practitioners" in respectable company. Æschines, who confined himself to the writing department of the profession, discharged it much more honorably; never composing but defences, and for persons unjustly accused.

Excepting the innovation of oratory, the Bar of Athens continued at this period under the ancient regulations of Draco and Solon; according to which no one was permitted to practice who was not of free condition, of respectable social position, and of unexceptionable moral character public and private. It was then the maxim (as it always should be the ministry) of the Advocate to labor not for the success of the cause, but for the prevalence of truth and justice. This he was even sworn to, at the opening of each trial. Whence the answer of Pericles—since passed into a proverb—to a friend who solicited him to strain a point in his favor: *amicus usque ad aras*.

In time, the new forensic element necessitated new regulation both at Athens and Sparta. The orators were prohibited all flights of declamation tending to excite the pity or indignation of the (popular) judges; and even the magistrates were forbidden to look on the prisoner during any such appeal. The occasion of this queer inhibition is curious as itself, and occurred in the defence, by the orator Hyperides, of the celebrated courtesan, Phryne, tried on a charge of impiety before the Areopagus. The ingenious advocate, perceiving that his client was likely to be condemned, led her forth to the centre of the court, and tore away the kerchief that covered and confined her bosom—by the spectacle of whose voluptuous charms, still more, we may believe, than the touching supplications of the orator, the hoary* Judges were so softened through eye and ear, through soul and sense, that the tide soon turned, and the fair free-thinker was unanimously acquit-

* The Areopagites must have been generally old men, as the Court was composed of persons who had signally served the State through the various gradations of office, up to the Archonship, which was an indispensable condition of eligibility.

ted.* Let us beware of inferring from this fact, or fable, a barbarous simplicity of manners in a people who had then carried every intellectual and æsthetical art to a perfection which modern nations, even the most advanced, have still to reach. It was rather a peculiar sensibility to the Beautiful, which we may be able to comprehend when we are similarly organized—but not till then.

This regulation—which much impaired the forensic oratory of Greece—was proclaimed by the crier at the opening of the court. Another, to prevent diffuseness, limited the speakers to three hours each; which were measured by a water-clock (*clepsydra*) kept in view of the pleaders. The orators or advocates were farther enjoined to conduct themselves respectfully towards the court—to beware of tampering with the judges—to abstain from offensive language towards one another; in short, to demean themselves with what would now be termed gentlemanly propriety as well as professional decorum. Breach of any of these rules was punishable by fine, to be augmented according to any aggravation of the circumstances.

As to fees, the services of the orators were at first gratuitous. Their recompense was the popular influence thus acquired, and which might lead to public office. Antiphon is supposed to have been the first to receive a remuneration in money—the same who originated writing the pleadings. The orators, or oral pleaders, followed his example, receiving pecuniary fees and other presents. Still the pretension always remained that it was an office rather of honor than interest; a mercenary spirit being deemed disgraceful in the advocate, as may be seen, among other places, in the orations “*de corona*” of Æschines and Demosthenes.

Such is a slight outline of the Athenian Bar; which having served much to model, will conveniently introduce us to, the Roman, to which we now proceed.

The Founder of the “Eternal City” was not unaware that the acquisitions of the sword abroad are to be secured and perpetuated but by providing for a strict administration of justice at home. To this end he†—by one of those happy strokes of genius or fortune which determine the character of an infant nation, and marked the Roman for immortality—selected from the first class of the citizens, denominated *patres*, a certain number of the most intelligent and experienced, of whom he composed the Senate; and ordained that the residue should be protectors (*patroni*) to the Plebeians, who formed the second class, and thus took the quality of *Clients*.

We have observed that, in most countries, the natural protectorate of intelligence and power over ignorance and weakness has been left to establish itself spontaneously by the operation of custom, or the accident of conquest. In Rome, however, the relation obtained at the outset the force and form of a legal institution. Of the various duties and obligations, mutual and reciprocal, which the patron owed his clients, we have here to do with but the principal one, of juridical advocacy and advice.

In the infancy of a military people, these Roman patrons could not well have been either orators or jurists: the latter quality is the fruit of far different auspices, no less than the former, of which Cicero says finely: *Pacis est comes, otique socia, et JAM BENE CONSTITUTÆ CIVITATIS quasi alumna quædam, Eloquentia*. They were, however, long sufficient probably for the simplicity of the times and the transactions. But after the expulsion of the Kings, the adoption of the Decimviral code from Greece,‡ and the admission of the people to the constitution through the representation of the Tribunes, the administration of Justice became of course a matter of more complexity and consequence. To supply, therefore, the deficiency of eloquence and expertness

* Has this scene been ever made the subject of a painting? There is not, it appears to us, a finer in all history. The picturesque earnestness of the orator, the graceful languish and artful embarrassment of the beauty, the conflict between the man and the magistrate, as betrayed in the melting austerity of the judges—here is a group of objects, persons and passions which, for interest, variety, character and contrast, is worthy the pencil of a Raphael.

† We would not be understood as crediting the fable of Romulus: it is employed merely as a convenient personification of that people.

‡ We have always wondered how this notable event could have been ever called in question, even were there no other testimony to it than the statue which stood for several centuries after in the Forum, erected by the gratitude of the city to Hermadorus, a Greek, who came to Rome with the Decimvirs to aid in explaining and adapting the institutions and laws thus imported from his native country. To be sure the grand, the Roman, good sense of the thing is hardly conceivable to the Grand-Lama self-sufficiency of our modern nations.

in the patron, ordinarily a plain farmer, it became customary to engage—as we have seen before at Athens—the services of the public orators. But as these too were generally not lawyers, there was another class (besides the *Prudentes* already described, who advised upon the law) who attended at the trial to prompt the orator upon the forms and technicalities of procedure. These were termed *Pragmatici*, from the Greek word *πραγμα* (to practice); the name as the thing being of Grecian origin. Here is the prototype of our Attorney.

For the exercise of the Legal Profession the Romans, too, exacted special qualifications, both of mind and morals, still more rigorously than of birth. Romulus we have seen confined the patronship to the first class of the citizens. The rule was adopted into the Twelve Tables, and for five centuries the function remained exclusively in the patrician Order. During the whole period of the Republic the Bar was the established road to the official honors of the State. By it the elder Cato rose from the plough to the censorship. By it Cicero—the *novus homo* of Arpinum, who yet numbered Kings among his clients—obtained the consular dignity, and that dignity still more glorious, of “*pater patriæ*”—Father of his country. Countless others might be named, the first of Rome in rank and office—Hortensius, the Luculli, Sulpicus, the second Cato—who always continued in the practice of the profession. And Julius Caesar himself, the “conqueror of the world,” was first distinguished as a member of the Roman Bar.

But the republic fell. The gift of honors and office passed from the venerable hands of the *Senatus, populusque Romanus*, into those of an arbitrary prince; wherein, as usual, favor rather than desert became the rule of dispensation. The emulation of the advocate declined; the Patricians began to fall off from the bar, and the Plebeians to creep in to fill up the void. This revolution brought on a degeneration of forensic eloquence: and instead of the now nearly obsolete title of orators, the *oral* pleaders were called indifferently, *causidici*, *advocati*, *patroni*—terms which, taken in the inverse order, characterize and confirm the march, just as we have traced it, of the Advocate's function.

Yet the Profession does not appear to have suffered equally in character by this

plebeian adulteration. For it is only false dignity that is easily contaminated, and the consideration of the Advocate springs from all that is real in the true—utility and virtue. At the Roman Bar, alongside the plebeian members, came occasionally the Emperors themselves to take their seat and present their sons or kinsmen for admission—a ceremony sometimes celebrated, as by Tiberius, with a magnificence almost triumphal. Thus the wily Augustus came a third time to solicit the consulship in order to be invested with the requisite magisterial quality, to present in person his children. Tiberius in like manner presented Nero and Drusus. And Titus—“whose virtue sighed to lose a day”—was wont to devote many of them, before he became emperor, to pleading the causes of the oppressed and unfriended.

The next innovation was the admission of freedmen, by Alexander Severus; provided they were persons of literary instruction: only, however, in the provinces, probably. By an ordinance of Constantius, the provincial prelates were admitted to practice—a fact wherein may be discerned the position of the clergy, and the germ of that ecclesiastical monopoly which after overran the legal Profession, throughout barbarian Europe. That it at length suffered in character as in capacity by these mongrel admixtures, may be inferred from a law of Valentinian and Valens, declaring it *no derogation from the dignities of the state to exercise the functions of advocate*. From a law by another of these imperial twins, it seems that, in each prefecture, the number of the lawyers was limited, according to the extent of the jurisdiction. Such as were chosen, what we should term by analogy, attorneys of the revenue, after their term of service, were entitled to retire with the quality of “counts of the consistory”—which we mention as the probable origin of the Counselors of State, an excellent institution still retained in substance by some countries of modern Europe. A subsequent edict declared the Profession of the Law to be *on a footing of respectability with that of arms*; inasmuch as it, too, defends the honor, interests and life of the citizens. We mention a few of these reiterated efforts to bolster up the consideration of the Roman Bar, as indicating curiously its sinking dignity. Justin and Justinian added farther privileges; the former of

whom it was, who first gave the lawyers the collective designation of Order*—a title jealously asserted to this day, by the French, and other bars of Europe.

The foregoing, we trust, will convey some idea of the character—high even in its decline—of the Roman Bar. Now a word with respect to the conditions of Admission.

The candidate was to be of competent age, which was seventeen—too early, we think, even with the superior precocity of the ancients: but it was perhaps, in general, a commencement of apprenticeship rather than of practice. He was to be examined by the governor, if in a province, the prætor, if in the city; who in a public assembly of the people was to be satisfied as to his social condition, moral character, and especially his capacity, which was to be certified by a Doctor of Laws. Persons stigmatized with any infamy, or who had at any time followed servile occupations, were disqualified. The lawyers were not sworn on admission; but, like the Roman Judges and our jurors, had to take an oath at the commencement of each cause—called *Juramentum calumnie*. The candidates' names were registered. The number attached to each tribunal was limited by law.

With respect to *fees*, the ministration of the Advocate was at first, as at Athens, entirely gratuitous. But after, on the one hand, its labors increased with the multiplication of laws and affairs, and, on the other, the official rewards of the republican days had passed from the popular control, it became the custom of clients to make *presents* to their patrons. This, in process of time, naturally falling into abuse, was prohibited by the Cincian Law. Towards the end of the reign of Augustus, however, the advocate was allowed to receive a fee. But this liberty, too, soon grew into such excess, that Claudius deemed it a great retrenchment to cut down the plunder to ten sesterces the cause—equal, according to some authorities, to over forty thousand dollars! but according to another and more credible valuation, to only about two thousand. And, after various modifications by the intermediate emperors, this was the sum finally fixed by Justinian.

Nor was the Roman Bar exempt, it

seems, from another offspring of cupidity, the practice of speculating in litigation; as appears from an edict against it by Constantine the Great, entitled "*de quota litis*"—a name, by the way, somewhat more expressive and elegant than "*barratry*," the characteristic term of our Law. But all such restraints were aimed at the sharpers perhaps inseparable from the practice of the law. With the Roman lawyers in general the principles of professional conduct were, honor and virtue—a maxim notably exemplified, among others of their body, by the illustrious Papinian, who chose death rather than prostitute his profession to defend the fratricide of the infamous Caracalla.

These are the principal features and vicissitudes which remain to us of the career of the Roman Bar. We now hasten to that of France, its lineal descendant and worthiest successor of modern times. This special resemblance will allow us to be much the briefer! But there is another resemblance which renders particularly expedient—the closer likeness still, between the French Bar and the English. About the latter we shall thus be left but little to inquire, by the cumulative lights from its predecessors ancient and modern: a fortunate exemption! as less perhaps is directly, historically, known of the English Bar of two or three hundred years ago, than of the Athenian of two or three thousand.

It was remarked that, in the early stages of all communities, the dispensation of justice is found in the hands of the priestly order; perhaps by means of its professional craft, perhaps because of a degree of intelligence magnified by the general ignorance. Besides, the expositors of the laws of Heaven would appear to be the best interpreters of the laws of earth also. Such, accordingly, seems to have been the state of things in ancient Gaul, where, Cæsar tells us, the Druids were the judges. But he does not say whether the parties pleaded in person or by advocate. On the page of Cæsar, as on the shield of Achilles, we are left in darkness concerning the functional character of the pleaders. The more probable supposition as to Gaul, however, is that the parties appeared themselves. For what need of an advocate before such all-sufficient and sanctified tribunals? The

* The distinction is, that Order implies honorary, in opposition to hired or mercenary, functions.

judge was the advocate, even as he was the law. All that could be deemed requisite, the bare facts, the parties were competent to present themselves. The conscience of the judge would supply the functions of the advocate.

But after Gaul became a Roman province, the practice of forensic debate seems to have been introduced with the laws of Rome. For, though left, according to the admirable maxim of Roman policy, in the free exercise of their ancient usages, the natives, with something of that philosophical good sense and prompt intelligence which characterize their descendants at this day—so unlike the stolid obstinacy of their Anglo-Saxon neighbors against the like salutary innovations—the Gauls, we say, adopted the more perfected institutions of their conquerors.* So that the constitution of the Gallic Bar must have been identical with the Roman. But this constitution underwent a total change with the conquest of the country by the Franks: a change so singular in some of its aspects, as to demand a deeper explication than we are aware it has yet received.

The business of the advocate is with the application of the law and the evidence; consequently, where there are none or but few established rules of either—which is to say, in all uncivilized communities—there will be no place for his appropriate functions. In the simple litigation of such times, the facts will be established by the oaths of the parties, together with, occasionally, the attestation of their "comparators." But, to ascertain the law, the *moral quality* of the facts, recourse will be had to supernatural interposition. Here, accordingly, is, we are persuaded, the true origin of the trial by Ordeal: it arose from the default of laws, not (as is the general opinion) from ignorance of the facts, or incapacity to sift the evidence, though this incapacity no doubt existed, however unconsciously. With the barbarian jurisprudence it was exactly the case of reversing the rather presumptuous maxim of the Roman law, and saying: *non probatio deficit, sed jus*.

The theory here advanced of the trial by Ordeal, is further confirmed by a grand difference in the forms, which it in fact assumed in the states of ancient and of mediæval barbarism. In the former, provided generally, as far back at least as our records reach, with more or less imperfect codes of law, the juridical controversies were commonly of fact; and accordingly, the mode of trial was by oath, as above designated. But in the middle ages, while the trial by oath was employed to prove the facts, there arose others, of special and ulterior application, † vulgarly termed, "Judgments of God," and which were utterly unknown to even the rudest jurisprudence of antiquity, as they are, we believe, to the pious, pacific, and well-policed "barbarians" of Asia and Africa, down to this day.

These absurd expedients to get at the will of Heaven, would naturally take shape, in some degree, from the peculiar pursuits of the people, and the reigning prejudices of the age. The military spirit and occupations of the period in question, made the "trial by battle" the favorite form of this superstitious procedure. The notion was, that Providence must favor the right, and crush the wrong. It is worth observing, that such was the principle also of the private wars, not only of the barons of the middle, but also of the heroes of the primitive ages. The duel, a bastard offspring, still subsists only from the same defect of definition and sanction to the Rights of Honor. Public war itself is another form of the expedient. The religious hypothesis of the "judicial combat" has, indeed, long passed away from duelling and war—though war is sometimes still termed, with rhetorical blasphemy, "an appeal to the God of battles," (*i. e.*, butcheries.) But, what may more surprise, the "right by conquest" rests upon the same absurd basis; laid by superstition and built upon by hypocrisy. Yet, while the judicial trial by battle is the ridicule and pity of even the children in this enlightened age of ours, the identical thing—only in the form or phrase of, ar-

* Perhaps a more probable reason is, the partial community of language; the Latin being largely mixed with Celtic, derived from the Gauls who settled in Italy in the infancy of the Roman republic. Language is well known to be the most invincible of all obstacles to the interfusion of conquerors and conquered.

† Anciently, in England, as we are told by Burke, (*Abrid. His. Eng.*) before subjecting a party to the Ordeal of any kind, he was to be found guilty by the *duodecimvirale judicium*, the design of which was to establish a sort of *corpus delicti*, (a proof, by the way, that juries, at least originally, were judges of but the facts.) It is strange the historian, after signaling this distinction, should not have been led by it to the explication given in the text of the trial by Ordeal, any more than Montesquieu, whose philosophical epigrams on the subject, or rather, epigrammatic philosophy, Burke, however, criticises.

bitrament of war, title by conquest—is treated among the most sublime and sacred of the diplomatic gravities of our sages and statesmen! Short-sighted man! when will you come to discern, or to avow, that what you commonly call your rights, as they were originally all acquired by, so do they ultimately rest upon, *might and truth alone*.

But to apply the result of this dissertation to its more immediate object, it is clear that under the summary procedure described, there would be little demand for the profession of the advocate; or if it existed under any form, it should be found wielding other arms than oratory, among a race so warlike as the Franks. Accordingly, in Gaul, where the trial by combat had now become the common mode of decision, a party unwilling to fight himself might employ a *champion*; and this championship had become a regular profession, for the use more especially of the clergy and the women. Here is the germ of knight-errantry and chivalry. Thus was dispatched the litigation of the barons. And as to the people, they had nothing which could give occasion for litigation—not only possessing no property, but being themselves, in general, the *property* of the lords.

But as the kingdom, or at least the church, of Christ enlarged its dominion, and the cathedrals and monasteries kept a proportionate pace in the contemptible wealth and profane possessions of this world, to manage these “temporalities” a description of men came to be employed, called at the time *advocati*, (from the similarity of function doubtless,) but tortured afterwards into the French *avoués*, (still in use, in the sense of our attornies,) and whom we now call proctors, in English parlance and law. These—who were to be laymen—seem, however, to have been a sort of general agents, of whose manifold attributions it was but the principal to defend the judicial rights of the church and abbey. The office in process of time—aided perhaps by the proverbial *savoir-faire* of the lawyer generation—came to be hereditary, by one of those queer transformations which are the veins most valuable and least explored of the history of social institutions. The *avoué* came to have in the benefice a qualified property, or fief, which was termed *avouerie*—not unfamiliar to our own lawyers, (though, happily, foreign to

our laws,) under its barbarous derivative, “advowson.”

In this usage the church was speedily followed by the towns, and then the provinces, of France. As general society progressed, the analogous wants of the public produced another description of these law-agents, differing from the former in being devoted to no clientage in particular, but like their modern successors, at the call of the first comer, or the highest bidder. These got the significant name, *clamatores*, from the Celtic clam, or claim, says M. Fournel: * or may it not have been the plain Latin, according to Cicero’s contradistinction between *clamator* the spoiler, and *orator*, the accomplished advocate?

In the Institutes (*Etablissements*) of St. Louis (1270), the ancient term *advocates* is again employed; but probably in a generic sense: for, while rules (by the by, admirable) are prescribed (Chap. 14) for the discipline of the profession, no special mention is made of the pleaders of the Parliament. We also remark, about this period, an educational improvement in the lawyers, as seems to be indicated in their receiving the title of *doctors*, that is, learned; though we own the inference might be fallacious in other times and countries. Another sign of their advancement in consideration was, investing them with knighthood, *chevaliers de loi*. Hence the legitimate right of the lawyers to the addition “esquire;” a title which, however, ours at least have the liberality to share with a client, even though he should be a cartman or a green-grocer. We have already seen a Roman emperor, with the view of propping the dignity of the profession, ordain the rank of the advocate to be equal to that of the soldier. How low must it have sunk, or how much been misconceived, to be deemed honored by either comparison! But the military profession was the “hobby” of Roman vanity, as knighthood was of that of the middle ages. And such is the principle of most the titles conferred by men and by states. It may not be without use also to observe in this connection, that titles are conferred and assumed the most prodigally where the *things* they are supposed to signify are wanting. For example, in our own free country, one meets a general or a major in every third tavern-keeper and country attorney. Not a strolling lecturer, upon all subjects or none, from the “mystic dance” of the planetary systems down

* *Histoire des Avocats au Parlement et au Barreau de Paris.*

through the American "sciences" of phrenology, mesmerism, laughing-gas, and that diapason of the learned scale, the art and mystery of dog-dancing,* but pompously dubbs himself "professor." There is much meaning in all this, if only people had eyes. We do not find the Roman juriconsults get or take the titles of *clarissimi*, or *doctores*, or *chevaliers-ès-lois*, in the glorious days of Labeo, or Gaius, or Papinian. The title of marshal was not very common among tavern-keepers and tailors under the empire of Napoleon. Nor is that of professor wont to be travestied in the country where La Place, Cuvier, Comte and Guizot have been professors.

However, a new era dawned upon the bar in France with the creation of the famous Parliament of Paris. This, which, like all institutions of spontaneous origin, is of uncertain date, was not what the name would suggest to the English or American reader. We may trust Voltaire, in his sensible but superficial history of it, that it was neither a continuation, nor any connection, of the ancient Parliaments, better known as the States-General. It was the royal and supreme court of justice, composed of a certain number of bishops and barons, with, subsequently, some peers, after the institution of that order. It was nearly the jurisdictions, united, of the original King's Bench and the House of Lords of England.

This Parliament, at first ambulatory, like the English tribunal just named, was fixed at Paris, in 1302, by Philip the Fair, who gave the palace of the earlier kings for its place of session. Here the courts are still held, we believe; and hence the word *palais* has got a general acceptance among French lawyers, in like manner as "the Hall" has with the New York Bar. A tribunal of the materials described had naturally to call to its aid the legal knowledge of the advocates. These, at first, were merely kept in a separate apartment, for occasional consultation; and a remnant of the institution in this primitive stage may be still seen in the train of "clerks" that wait upon the Exchequer, Rolls court, and other feudal tribunals of England. In France they were soon promoted to a de-

liberative part in the proceedings; and came finally, by a succession of events not necessary to detail, to supplant or survive their lazy associates, bishops, barons, peers and all. In distinction from the military and ecclesiastical judges, the law members were known by the name of Magistrates. This is the source of that judicial order, peculiar in some respects to ancient, to ante-revolutionary France, and which, all vendible though it became, like the profession of the advocate itself, through the necessity or cupidity of certain of her kings, has produced a succession of as accomplished and virtuous judges as ever administered and adorned the judicature of any age or country. And if it be true that, unlike the English and other judges, they bought their office, it is no less true that, unlike too many of them, they never, or rarely, sold it.

The increase of civil business which naturally followed upon this more competent constitution of the Court, increased the employment and enhanced the services of the advocates. Those attached to the Parliament when it was made sedentary, settled down with it at Paris. Its first term of the year 1344, opened with an ordinance in regulation of their functions—to the end, says the preamble, that they may be exercised with honor to the Profession and utility to the public. This ordinance provides for a registration, and prescribes the qualifications, of the advocates. It recognizes the division into Pleading advocates and Counseling advocates, *consiliarii*—whence the English Counselors. It enjoined several other rules concerning Pleading, Practice and Professional demeanor. This seems to have been the earliest organization of the society which still styles itself in France, The Order of Advocates.

These regulations, most of them, underwent subsequently various modifications. The fundamental condition of unsullied character, as well as attested qualification, remained, however, always unchanged. And that it was not (as elsewhere at the present day) an empty pretence, is well evinced by the signal instance of the Chancellor Poyet, who, being displaced for official misconduct,

* Not many months back, in the interior of this State, the newspapers announced a Professor somebody, we forget the name, who was to teach dogs, we also forget in how few lessons, the "Science of Dancing!"

† A motto for most of what he ever wrote.

sought to return, for a livelihood, to the bar whence he had been promoted,* but was refused admittance by his professional brethren, on ground that he had dishonored the "Robe." There are several such examples, in even those early times, of the scrupulous honor which has always distinguished the Bar of France, and which should everywhere characterize the Profession.

The conditions of admission to the French Bar were these: Age, 17, as at Rome; but in this case certainly, meaning the entrance upon professional studies. The period of these studies ranged, successively, from four years to so low as one. But, in all cases, the candidate must be a graduate in one of the "celebrated" Universities, in at least either of the Canon and Civil laws—in *altero juri*. Ecclesiastics were receivable, and, in those times, composed in fact a large majority of the Profession; so that the old English adage was equally applicable to France, whence, probably, it was imported: *nullus clericus nisi caudicus*. Women were excluded; but were (as they still are) allowed to plead for themselves. The studies thus completed and certified, the remaining ceremony was the oath; which was administered in open court, on the presentation of the candidate by an Elder (*ancien*) of the Profession, who prayed that the Court would be pleased to receive the oath of the advocate, such a person, graduate of such a University: adding, that his credentials had been duly inspected—*que Messieurs les gens du roi ont vu ses lettres*.

But the French "young lawyer" had (and has still) to spend the three succeeding years—termed *temps de stage* or *de Palais*—in attendance on the Courts, for the purpose of familiarizing himself with the rules of practice and the general style of proceeding, as well as in deepening and maturing his legal studies. Of this we have a faint remnant ourselves in the term requisite to have elapsed between the admission as attorney and as counselor. But the imitation is merely in the time; for the French lawyer, though equally entitled to practice, would be deemed wanting in a proper respect for his own

character, as well as regard for the interests of clients, in undertaking any business of consequence during this period. This is to observe the sound maxim of Cicero: *non in foro discere, sed docti in forum venire*. During this species of novitiate, these catechumens of the church of Themis were called *Advocati audientes* (listening advocates), in distinction from the two complementary classes, of *Advocati proponentes* and *Advocati consilarii*. These classes were signalized by the seats assigned them in Court, the order of precedence commencing from the Bench.

We are to note, in conclusion, that the body of Advocates were always distinct in association as different in function from the *procureurs ad lites*, who correspond to our attorneys. These seem to be of a much later origin in France, being first, we believe, made mention of in the Institutes of St. Louis; whereas, the Advocates were introduced with the monarchy, and borrowed, we have seen, from Rome. The *Procureurs*, however, while they have their separate society, always have been subject to the general supervision of the "Council of Discipline" of the Bar.

Such is a hasty outline of the career and the character of the Profession in France, down to the abolition of the Order of Advocates, in 1790, by the Convention. This in some respects unparalleled event is, we believe, much misunderstood—where it is known of at all—by our readers. And as, moreover, the true account of it is honorably characteristic of the Profession we vindicate, and may furnish some timely hints to those members of our own Convention who seem inclined to meddle in the same matter, we will transcribe the whole proceeding in nearly the words of Fournel; upon whom, as also Boucher d'Argis, we take this occasion to acknowledge, once for all, that we have drawn largely for the facts of this sketch—using, however, our own judgment in interpreting and applying them.

While the Committees were engaged in the organization of the Judiciary, and after the Parliaments and Courts of Ap-

* Many of our readers, acquainted with only the English and American judiciary systems, may not be aware that this was not commonly, but very rarely, the case in France; the judges being there, as in ancient Rome, a separate class from the lawyers. And this is decidedly the better arrangement, where the laws and jurisprudence are of reasonable intelligibility. But where, as in England, they are an occult science, the Judges must be drawn from the number of the initiated. Hence the usage accordingly, here as in England; for it rests upon no positive law in either country.

peal had been abolished, the question arose, what was to become of the Order of Advocates. Several of the Committee were for maintaining it unaltered, and transplanting it into the new system with all its pristine prerogatives and rights. But others were disposed to dissolve the "Order," and abolish even the name.

But you must know, says our authority, this latter proposition proceeded from no hostile intention, but on the contrary from a chivalrous devotion (*dévouement exalté*) to the glory and memory of the Profession.

This singular idea, having created much division in the Committee, was communicated to a number of the principal Advocates of Paris; who, after revolving the subject in all its bearings, declared unanimously for absolute abolition.

We are (they reasoned) to be considered under the two-fold aspect of Advocates, and Advocates of the Parliament. The dissolution of the Parliaments deprives us of the latter quality. With regard to the other, it would be valueless where there should be no superior tribunals whereinto to transfer our titles, our attributions and privileges. But none such are left by the new judiciary arrangement, which consists of but pitiful primary tribunals. By these tribunals it is that the quality of advocate would be conferred; but each of these countless courts, spread over the surface of France, will thus become the centre of a new bar.

These bars will be crowded by a multitude of men who, without an idea of the principles or the discipline of the Profession, will degrade its ancient character and prostitute its honorable functions. Yet these persons will insist upon dubbing themselves with the title of Advocates; and will be—they too, forsooth!—for constituting an Order. The public will be deceived by the name, and besides, in its natural malignity prone to generalize its imputations, will confound designedly those advocates *de circonstance*, with those of the ancient Order. The sole way of escaping this disreputable posterity is at once to suppress the denomination, the order and the dependent attributes of our body. Let there be no more *Advocates*, since we cannot preserve unsullied the dignity of the title. Sole depositories of this noble Profession, let us not suffer that it pass into hands

that would degrade it; but exterminate ourselves the object of our affection, rather than surrender it to outrage and infamy.

"The members of the committee, (adds the historian,) moved to tears by this heroic self-sacrifice, not unworthy of ancient Rome, embraced unanimously the same opinion, and a few days after decreed the annihilation of the name of Advocate, the suppression of the Order, and the interdiction of its costume to whatever description of men should thenceforth fulfill its functions."

And "heroic" this memorable resolution must undoubtedly be esteemed, our degenerate days considered. It could have been taken but by a profession of which—still more than of Montesquieu's Monarchy—honor is the essential and the distinctive principle. And even in this profession, it could, perhaps, have occurred at the present day, but in the French Bar; than whom a body of men of more delicacy, disinterestedness and honor probably does not now exist.

Let us justify this high eulogy by a single circumstance. In France, it is the usage (founded on the principle that the advocate's sole duty is to vindicate truth and justice) for the opposite counsel to communicate to one another every document in their possession (*se communiquer leurs sacs*) touching their respective cases, and this, whether to be produced or not on the trial. These documents—bonds, bills, title-deeds—are taken home for days, without acknowledgment for, or inventory of, the most precious deposit. Yet it is matter of history that from the earliest record of the bar to this day, there has not occurred a single instance, not only of any gross abuse, but of even an *illiberal use*, of this sublime confidence. And this fact speaks a volume for disciplinary organization of the Profession. But we should also add, that there is much in appealing to that principle in man which has never been enough regarded perhaps by legislators and moralists. Honor—not the vulgar, the bastard thing commonly so called, but that deep, self-sustained consciousness of moral and manly dignity, called sometimes conscience, sometimes self-esteem, sometimes pride, according to the creed or the character of the denominator—this sentiment, we are persuaded, well-directed and developed, might be made to govern the world.

But it is not in nature that the office of

the advocate should long remain suppressed. The miserable system of "small courts" organized by the Convention, having of course brought the administration of justice into contempt, was remodelled by Napoleon, who on elevating the character of the courts also revived the Order of Advocates. Not, however, quite to the former discipline and privileges, which were absolutely republican; but, as it was expressed by themselves, he *emperialized* it. This control was farther aggravated by an Ordinance of Louis XVIII., which, though a subject of unremitted remonstrance by the bar, remains, we believe, still unremoved—even by the Citizen King.

Last in order, though not in interest, comes the British Bar, the model and the mother of our own;—or rather, the step-mother, to judge from the distorted and ill-favored condition of the child. Here we are left absolutely without historical materials. We are not aware of a solitary treatise on the subject of the Profession in our language, while we know of at least four in France. Not so much as a prefatory memoir from any of our numerous writers about Law Studies; though the examples of the distinguished lawyers of the past with some account of the principles that actuated, and the discipline that formed, them should, one would think, be as pertinent to the occasion and as efficient of the object as the "thrilling" declamation of Samuel Warren—who rants and rhapsodizes through a brace of volumes without giving, perhaps without *having*, the least idea of the origin, the history, the organization, or the discipline of the institution of which, however, he has constituted himself teacher.

But however discreditable to English law writers and retarding to the progress of the English Bar itself, this neglect is probably not of so great consequence as the loss of the histories of Livy and Varro; as the fullest detail would be chiefly of negative value, would present us rather what was to be avoided than what was to be imitated. But this fair side has been anticipated in our account of the French and Roman Bars. Of the other there is enough remaining—"in all conscience"—to stimulate us to reform. Our introductory reflections on the general origin of the Profession apply of course to early Britain. Besides, what we related of the administration of jus-

tice in Gaul must be equally true of the neighboring island, which was under the same Druidical *regime*. Some traces of the Roman usages also probably remained in this province, as in the others. In fine, with most others of the civil institutions of France, the forms of the Legal profession too were, in large part, transplanted, at the "conquest," into England; superseding or suppressing such of the native usages as refused to coalesce with them through the common Roman affinity. So that we have given effectually the history of the English Bar in the sketch especially of the French "Order."

This influence, we are aware, is denied indignantly by the English, and the denial is re-echoed by those who are content to take the testimony of the wounded vanity and morbid resentment of a conquered people, in its own cause. But interrogate that less equivocal witness, the nomenclature of our institutions and judicial procedure—of which we have taken occasion, not without a purpose, of presenting some specimens, by the way. Or peruse, among other *French* books, (do not touch an English one on the subject,) Thierry's History of the "Conquest;" but especially, Bernardi, *Sur la Legislation*—a work which, though written with exclusive reference to the jurisprudence of France, we do not hesitate to affirm contains, to a reflecting reader, a profounder Commentary than Blackstone's, on The Laws of England. Nay, we go so far as to say, that our institutions, to be studied thoroughly, philosophically, *must* be traced in the civil history of ancient France. For the rest, it is not denied that some of these institutions may not have improved accidentally by the transplantation. But among any such cannot, most assuredly, be reckoned the character, discipline or learning of the Legal Profession.

This will be gainsayed by no man of competent intelligence and impartiality. The English Bar and Bench—among many members who have done honor to their noble occupations—record examples without number of the meanest servility and the most mercenary profligacy. Why has Hale been deified? he never made an act of resistance to power or to pelf that is not the strictest duty of a village Justice. Why, unless that a judge of merely negative virtues was a moral monster, a demigod, in his day and country. Besides independence and probity,

they have always lacked that spirit—Bar and Bench—which appears in the struggles, almost yearly, that have been waged by the Profession in France for the dignity of the Order—struggles in which Kings, even the bravest and the most absolute,* that have ascended that throne, have had to surrender. And as to their accomplishments of intellect, where are the fruits? Is there a single production of an English juriconsult,† on the subjects of civil science, legislation or general jurisprudence, of any note or applicability beyond the precincts of the “four seas”?‡ Where are the Cujases, the Vöets, the Domats, the D’Agessseaus, the De Meyers, the Montesquieus, the Pothiers, the Vattel of England? Nor is it to be replied that the Civil Law has been of no consequence to English jurists. It may in truth be considered the *jus gentium* of modern nations, in the Roman acceptance of this term; that is to say, the law *naturally common* to them all. Yet we doubt if of English lawyers there be one in fifty who could tell the distinction between the Code and the Digest of Justinian, or the difference between a rescript and a decree! How should it be otherwise? The English lawyers have always been, individually, ill-educated, corporately, ill-organized, and employed upon a system of Jurisprudence and procedure out of whose mazes, once entered, it is impossible to ever re-ascend into the daylight of reason and principle. Hence the English lawyers have been happily characterized by the wit of Erasmus as, *genus indoctorum doctissimum*.

It is natural to ask oneself how this has been suffered to continue to the present day. We should say a general cause is, the predominant commercial and trading character of the community; which tends not only to degrade to the common mercenary standard the intellectual pursuits in general, but, moreover, discourages all intellectual development in a class of men whom it has

to entrust with the management of its affairs, from the vulgar notion of incompatibility between business capacity and learning. There are other considerations, many of them peculiar to the vicissitudes of English history. But the capital, though a negative, cause of the inferiority of the English Bar is the want of a disciplinary organization. With this, all, or much at least, of the rest would have followed. This it is mainly that has made the French Bar what we have seen, and maintained it such for centuries. To which we would add an admirable usage whereby it was powerfully seconded; we mean the addresses termed “*Mercurials*,” which are pronounced to the assembled Bar by the magistrate or judge at the opening of the Court Terms—especially the immortal discourses of D’Agesssean, which inspire the loftiest professional enthusiasm with all the eloquence of Fenelon and the wisdom of Bacon.

But in England the Profession has always been in a state of comparative anarchy. It has been divided into several associations, not without analogy to the Burgess corporations of the barbarous ages. Such are the four societies of the Inns of Court.§ Crude, however, as they have been, in organization and object, they have proved of considerable service to the Bar, especially in an intellectual respect. They have kept the line distinct between the mental and the manual departments of the Profession—between the advocate and the attorney. By maintaining the gradations of barrister and sergeant, they have proposed inducements for educational effort, objects for professional emulation. And these distinctions, with the cultivation requisite to attain them, must react with a salutary influence upon the probity and demeanor.

Now, discard these advantages and you have the American Bar. Here we have dropped effectually the distinction between counselor and attorney; nay, with both the quality of solicitor is jum-

* Henry IV. and Louis XV.

† Bentham never practiced, and was in nothing an English lawyer.

‡ Of which we are in the respect in question but an *elongation* of England, like her other colonies.

§ The reader may be curious to know the origin of this queer name. In the middle ages, the feudal mansion was called an *Inn*. Three or four of them in the (then) suburbs of London, were purchased by the societies of the Bar, to be used for meeting and business: hence, the *Inns of Court*. But the queer part is to come. When the Baronial hospitality gave way before the tavern-keeper, the latter, taking up the magniloquent appellation, called his concern an “*Inn* :” both were places of *general entertainment*. The French term *Hotel* has undergone a similar transformation.

bled to boot, in the same individual. And as to the grades of rank in the advocate, we have nothing of the kind. It is, doubtless, that we have been hitherto rather primitive, at least in mental condition, for any nice refinement in the division of labor, or graduation of intellectual capacity and culture. With this negative representation, we should be happy to leave the actual character and condition of our bar to the reader's inference. But, in assuming to propose a remedy, we have obliged ourselves (however invidious it may prove) to establish more positively the state of the patient.

The defects of the bar in this country may, for the present objects, be loosely classified under two heads: Defects of Preparatory Education, Defects of Professional Discipline.

In truth, we can hardly be said to have anything of a special education at all for this profession. The statutory provisions to that effect are notoriously waste-paper. The fact, the practice is this: A boy, say from 12 to 16 years of age, with the common-school accomplishment in "reading, writing and arithmetic," enters an attorney's office; which he perhaps sweeps for the first two years. The balance of the apprenticeship to seven years (the legal term in this State for students of this description) is instructively occupied in copying over a thousand times the same cabalistic forms, "running errands," and—*swearing to affidavits*. His studies do not often transcend the "Clerk's Assistant," and any instruction he receives relates but to the theory of "making up a bill of costs"—according to his equivocal expertness in which is estimated his proficiency and his promise in the Profession. After this profound and edifying initiation, he emerges a dapper Attorney-at-Law! This may be an extreme, but it is nevertheless, we aver, a common, case. The necessary consequences, moral as well as mental, upon a considerable portion of our bar directly, and indirectly, by reflection, upon the reputation of the whole body, we leave the plain sense or the personal experience of the public to determine. As to the collegiate diploma receivable in lieu of a portion of this period, we all know it to be obtained commonly by persons incapable of reading its contents in Latin.

For the supplementary guaranty of our Examination is a still greater "sham"

(if that be possible) than even the apprenticeship. Unmasked of technology, it reminds one of the Canonical programme of the middle ages, which began with the interrogatory, "Can you read the Four Gospels?" Nor does this resemblance between the candidates end with the examination, but extends, quite naturally, to the professions for which such examinations could be held to qualify; as witness the following account of the clerical body at the period alluded to, by a sarcastic contemporary: *Potius dediti* (says Alanus) *gulæ quam glossæ, potius colligunt libras quam legunt libros*, &c. Our examinations of at least the candidates for attorneyship, are exclusively upon Court rules and mere Practice. But besides being technical—as comports possibly with the ordinary capacity of the examiners—they are become so trite, that collections of the whole set, in manuscript, with the proper answers appended, are known to be common among our Law students. So that the examination is reducible to a few hours' effort of mere memory. The writer can say, for his own part, that the sum of his preparation *with immediate reference to this ordeal*, was made within the single week preceding the event. Nor did he avail himself, in this feat, of the examination-made-easy catechism alluded to, but of the intelligent and methodical treatise of Mr. Burril, on Practice. It may be retorted, the practical proficiency was probably proportionable. Well, we will not gainsay an objection which only fortifies our argument. In fine, we think the actual scheme of Legal examination (and implicitly of course, of education) is well hit off in the following sketch, from a newspaper, which (for decency, doubtless) places the scene in the wild South-West.

"Judge P.," said Mr. C.'s friend, "is now in the village; will you go and stand your examination?"

Of course C. consented. He had been for several days anxiously waiting for the Judge at the — Exchange, alias groggery, alias doggery. After the introduction the Judge said:

"Well, Mr. C., you want to be examined for admittance to the bar." "Yes, sir." "Well, sir, let us take something to drink: barkeeper, give us two juleps. Mr. C. can you swim?" "Yes, sir, I can," said C., greatly surprised. "Well, sir, let's take another drink: barkeeper, two cocktails." The cocktails vanished,

and the judge said: "Mr. C., have you got a horse?" "Certainly, sir," said C. "Very good," said the Judge, as soberly as though charging a grand jury. "Mr. C., if you please, we'll take a drink: barkeeper, two toddies." The toddies disappeared, and C. owns he began to feel rather queer. "Mr. C.," said the Judge, "can your horse swim?" "Yes, sir, he can, for I have tried him from necessity." "Then, sir," said the Judge, with increasing gravity, "your horse can swim, and you can swim, and by G—d, I think you are well qualified for an Alabama lawyer. Give me your commission, and I will sign it. Meanwhile, barkeeper, give us two punches, for my friend Mr. C. and myself. Mr. C." continued the Judge, "I drink success to your admission to the Bar."

This may be actual fiction, but it is ideal truth.

As to our second head, the Defects of Discipline—we should have said rather, the absence of any. Yet, we repeat the importance of this to both the profession and the public is incalculable. This alone can purify the one, alone protect the other, from those disreputable practitioners, who will always flourish if left unbranded by an authoritative moral reprobation; as long, at least, as there will be dishonest clients to employ them in preference. In short, this discipline would ultimately ensure the character, the capacity, and public consideration so invaluable—especially under popular institutions—in a body who must have, for good or ill, so large a part, not merely in the administration, but also in the formation* of the laws.

Having, in the preceding historical survey, proposed a model of professional (and quite practicable) excellence, and pointed out the deficiency of our own bar from that standard, there remains but to suggest some method of mending our situation. The means which gave the profession character and efficiency in the past, we have also been careful to signalize and appreciate; and, as the result, we would recommend this two-fold expedient:—Elevation (by law) of the present grade of Legal Education, and Organization (by association) of the Bar.

Not only are we far behind England—as England is behind the rest of civilized Europe, in this legal education—but she is leaving us still farther behind every

day. We are glad to see the impulse given her by Bentham and his disciples in the career of reforming the laws has reached at last to the amelioration of the lawyers also. An act of Parliament was passed, last year we believe, imposing additional restrictions upon the admission of attorneys and solicitors. And, even at the Inns of Court—think of it, reader!—the order of the day seems to be Legal Education. One of them—the Middle Temple—had recently a committee to "consider of the best means of promoting the legal education of the students of their House." The following result we transfer from its sensible Report—knowing that an English example will be of more effect with those we address than anything we could here add ourselves upon the subject—though backed beside with the authority of France and Germany and reason united.

"Your Committee, having entered on the inquiry directed them, as to the means to be adopted 'for promoting the legal education of the Students,' recommend that the steps to be taken by the Middle Temple should be such as are best adapted for the commencement of a sound and comprehensive legal education; for they have reason to hope that the plan, thus rightly begun, will be followed out and completed by the proceedings of the other Societies: so that the institutions which will be finally established by the several Inns shall afford to the students collectively a complete course of legal instruction.

"The Committee have also adverted to the acknowledged deficiency which has long been felt to exist in the education of English lawyers, in consequence of their entire neglect of the study of Jurisprudence and the Civil Law; although in all places where the law has been or is taught as a science, these subjects have uniformly formed the first and one of the most essential parts of legal education. From these and many other reasons to the like effect, the Committee are induced to recommend that the first step for the promotion of legal education to be taken by the House, should be the appointment of a Reader on Jurisprudence and the Civil Law. To illustrate the benefits which would result to the Students from such an appointment, it may be well to explain the sense in which the Committee use the terms, Civil Law and Jurisprudence: and their consequent expectation of the province and duties of the Lecturer.

"By the term Jurisprudence the Committee mean General Jurisprudence, as dis-

* See Note at the end of this Article.

tinguished from the particular Jurisprudence of any individual nation; and which, in further explanation of their meaning, they would divide into Positive Jurisprudence, or the philosophy of Positive Law, and Comparative Jurisprudence, or the exhibition of the principles of Positive Law in an embodied form, by a comparison of the Jurisprudence of modern nations. In the first they would have the Lecturer also include the most important subject of the 'Interpretation of Laws,' and under the latter head of Comparative Jurisprudence, the 'Conflict of Laws,' may be properly comprised.

"By the term Civil Law the Committee wish to indicate what may be called 'Modern Roman Law,' that is to say those portions of the Civil Law which being of a universal character, and applicable to the relations of modern society, have formed the basis of the Jurisprudence of many (of the) continental nations, and entered so largely into our own.

"The Committee are of opinion that the study of the theory of the Civil Law may be most advantageously combined with the study of Jurisprudence, and that the two united will furnish the best means of preparatory legal culture, and the formation of an enlarged and comprehensive legal mind."

The details go on to recommend the immediate appointment of this Lecturer, who should be either a Barrister or a doctor of the Civil Law; that he should deliver a year "three terminal courses, and that he should receive three hundred guineas from the Society, besides one guinea from each Student for each terminal course." This Report has been adopted, and the Lectures commence, it seems, next October, the time intervening being allowed for the composition of them.

This is, decidedly, an important movement. Not that we regard the plan of Lectures as the best, in the circumstances. But it will lead to a better. The essential point was, that English lawyers should come at last to feel and own their disgraceful deficiency—a deficiency, by the way, sufficiently betrayed in this committee's acceptance of the term jurisprudence, and others, to say nothing of the general style. May we not expect ours to go and do likewise?

With reference to the other point—of discipline—there is nothing worth borrowing from the English. Our model

here is the French organization. Of this we present a brief outline, in the fond hope that those members of the profession—and we know of such in this city*—who are sensible of the want and of the importance of some such measure, may take it into active consideration.

This species of moral government was formerly a representative republic, but was, as we have said, *emperialized* by Napoleon. It consists of a President, (called *Batonnier*) with a Secretary, and a body called the Council of Discipline. This body, anciently *elected*, is now nominated by the Order of Advocates from the oldest and the most distinguished members of the order, and in number proportionate to that of the constituency, that is, of the bar of the particular city or district. Nominations are made to double the number of the Council, and a list of them is presented to the king's Attorney-General, who elects from it the requisite number. The qualification of an advocate to vote on this nomination is determined by the registration of his name on the roll (*tableau*) of the Order.

The attributions of the Council are, first, to decide upon the differences relative to the registration just mentioned. Second, to exercise the surveillance which the honor and interests of the Order may require. Third, to execute the disciplinary measures authorized by the rules of the Order.

The sanction, the penal authority, is merely moral. The penalties are: advice—reprimand—temporary suspension—erasure from the roll. The suspension cannot exceed the term of one year. From sentence of expulsion, there is an appeal to the supreme Court. No penalty can be imposed without having given timely notice to the accused, and heard his defence fully and fairly, if he desire it, before a general assembly of the order.

There are various other regulations and specifications, for which we have not place, nor are they much to the immediate purpose.

With respect to the former article of the proposed professional reform—the education—the fitness of any adequate system would depend essentially on the event of a measure now under consideration in the Convention of this State—we mean, codification of the laws. The exe-

* As distinguished among them for repeated efforts and unwearied zeal in this cause, we take pleasure in naming Mr. John Anthon.

cution of this grand project would bring about more fundamental changes in the constitution and general character of the profession, than may be readily imagined. As to the plan of association, it should be moved in without delay; its effects would be equally applicable to all events.

In conclusion, may we indulge the hope, that the no small labor which the foregoing pages have cost us will not be entirely lost. It cannot be that there is not spirit enough in the profession itself to seek its rescue from the condition to which it is degraded amongst us: the condition of a trade—of a disreputable trade. It cannot be that there is not intelligence to conceive, and patriotism, or at least professional pride, to exult at its future destiny in this country; for in no other has it ever had a field so fruitful, a prospect so glorious. The freedom that gave such fullness of development to the unrivalled jurisprudence of ancient Rome, we enjoy in a still higher degree than Rome. The invaluable example of that jurisprudence is before us, which ought, in the language of the poet's precept, to be our daily and nightly study. We have additionally to guide us some twenty centuries more of the world's legislative experience. But we have what is still more propitious to the subject in question than all those advantages of instruction, perhaps than all the efforts of human combination: for man invents nothing, in the strict sense of the word; accident and circumstances are the real parents of whatever is absolutely new in his additions to knowledge or to power; and genius, in the proudest of her achievements, has been but the timely midwife of teeming nature. The paramount and peculiar agency to which we allude, is *the complicateness of our political system*; by whose sure, ceaseless, self-operative action must be evolved new aspects of human rights, and wider views of the jural relations of mankind, than could be even conceivable, out of our federative situation. Many of the most important and fundamental of the physical laws that govern our globe, would have forever remained utterly unknown to us, were they not obtruded upon our notice by its position as a member of the planetary system.

The mission of the Legal Profession—among the highest, under any circumstances—offers, then, to the American jurist the noblest objects of human ambition. The noblest, because the most benignant and the most enduring. Where

is now the power, the influence (even for evil) of the Syllas, the Scipios, the Cæsars, of Rome; while the illustrious line of her jurisconsults still hold aloft the imperial banner, inscribed with that proudest of her mottoes—*tu regere (jure) populos, Romane, memento*—and will transmit it with widening sway to the latest posterity.

Yes, we shall one day have a profession to feel, and a public to encourage, this ambition. But they must be constituted very differently, we fear, from the present generation of either. The former will not have the depraving lust of money-making for their exclusive rule of professional conduct; nor will the public sentiment receive with favor, in lieu of learning and integrity, the mountebank artifices resorted to by our promising young lawyers, "to get business." The maxim of "success at the bar" will not then be Danton's for warfare: "*De l'audace, encore de l'audace, toujours de l'audace*," which we shall translate: Impudence, still impudence, always impudence. This avowed "business-seeking" would be irretrievable disgrace, we believe, at any other bar in the civilized world than our own:—certainly in France, where the mere fopperies of this class are made the subject of comic ridicule. But we have been, we perceive, getting too grave—we shall close with one of those portraits of a pettifogger drawn in the times of Louis XIV.; retouching it, in a running translation, according to our American variety of the original.

"Qu'est-ce, dites-moi, que Damon l'Avocat ?

Un fat, un ignorant balayant la grand-salle,
Qui par sa vanité croit que rien ne l'égale;
Qui de papiers tous blancs a soin d'emplir son sac;

Qui décide de tout et ad hoc et ad hac—
Qui s'écoute parler, qui s'applaudit lui-même,

Pendarisant ses mots avec un soin extrême—

Qui dans les entretiens tranche du bel esprit—

Qui rit tout le première des sottises qu'il dit—

Qui respecte lui seul sa mine de poupée,
Le matin est en robe et le soir en épée;
Etourdi, dissipé, grand parleur—un mot,
Qui partout fait l'habile et partout n'est qu'un sot."

Lafont. Les Freres Rivaux.

Which may—*pace Thalia*—be rendered freely as follows:

And what, pray, is a pettifogger—
 A coxcomb, ignorant and vain,
 Who has as little law as brain;
 Who's ever dangling round the "Hall,"
 And there the busiest of them all;
 Whom yet you, in the crowded street,
 With books and briefs, are sure to meet:—
 (Briefs folded in symmetric shape,
 Inscription fair and flying tape;
 The court and client, of course, of rank)—
 Briefs, like the bearer, inly blank.
 But mark him the thronged court-room enter!

Elbowing forward to the centre,
 "My privilege" writ on his face,
 He takes the most conspicuous place.
 Or it may be the judge must hear,
 Some nothing with a martyred ear—
 Consulted, who will never deign
 To pause. The case is *good and plain*;
 And has its merits or its flaws
 According to the fees, not laws.
 To ponder would betray the quack,
 So he decides *ab hoc, ab hac*—
 Who listens while he talks, intent
 Upon his voice, not argument—
 Who's loud and long in self-applause,
 (His favorite and familiar cause)—
 In converse pert and peremptory,
 As a free-thinker, or Church-Tory—
 Who laughs, alone, at his own joke,
 And laughs almost before he spoke—
 Whose "urgent business" never ends,
 'Mongst parties, places, clients, friends,
 Has every Beauty his admirer,
 Whom he can have, if he desire her;
 So that he scarce a breath can draw,
 'Twixt suits at love and suits at law.
 In fine, a giddy, brainless elf,
 An endless prater 'bout himself;
 In all things for a wit would pass,
 But is, in truth, in all an A—ss.

O.

* * NOTE, page 258.—This opinion we have pleasure and pride in being enabled, since the text was written, to confirm from an authority of the first order on this subject, the profound and learned Savigny. Nor is it alone as to the influence of the legal Profession upon the form and growth of the laws that we perceive ourselves to be in flattering coincidence with this distinguished jurist; we are also borne out by him substantially in the speculation hazarded in the fore part of the preceding paper, concerning the natural Origin, Order of development, and Division of its functions. His remarks upon both these points we shall translate in full, as they conveniently occur in the same passage. Not, however, from vanity, we trust; but because we would have their pertinent and preg-

nant suggestions sown deeply in every thinking mind amongst us.

"The exterior forms which we see the Legal Profession assume are the image of the progressive establishment of that class. At first we find them *giving counsel in certain specific cases; co-operating in the trial of a cause; directing respecting the regular forms of Procedure*; their earliest essays in the literature of the law are collections of rules, and treatises upon the mere formalities of Practice. By little and little their labors take a more elevated character. Science begins to evolve itself, and to have its theory and its application: its theory in the doctrines set forth in elementary treatises and by oral communication (such as lectures); its application in the decision of the tribunals which are now become widely different from the primitive popular judgments, (our jury system,) through the scientific knowledge of the Judges and the systematic usages which establish themselves traditionally in permanent colleges—(such as the law Faculties of Germany, and with us, in a sort, the Legal Profession.)" * * *

[Here we ask the reader to favor us by turning to page 258, and comparing our deductions, *a priori*, respecting the Profession, with the historical account of its triple form, above signalized, in the italicized passages. Also, to reflect, in which of the periods of Juridical development, designated in the sequel of the sentence, are to be placed the actual jurists and jurisprudence of England and the United States—in the practical and primitive, or in the scientific and systematic? The facts ought to bring sorrow to the breast or at least shame to the brow of Americans especially, whether lawyers or laymen; who pretend (as, of course, in patriotism bound) that we are the most advanced and enlightened people of the most enlightened age that the world has witnessed. These facts undeniably are, that as to our *law-writers*—the English inclusive—they are still mainly the mere compilers and commentators of technical formulas and traditional usages—the very *verbosa simulatio prudentiæ* of the college of Pontiffs, the Profession at Rome, in the infancy of the republic; until, as Cicero adds pleasantly, one Flavius, a copyist of theirs, came to supplant them in the traffic, having filched their wisdom from the wily lawmongers; and as respects the *Jurisprudence*, that ours, at least in part, is still formed by tribunals such

precisely as decided in the woods of Germany in the days of Tacitus, and decide at this day in the wilds of Arabia. The only advance we appear to have made is the application of the representative principle; as the jury might be regarded a sort of select committee of the primitive tribunal of the whole people. And here we are, in the middle of the nineteenth century, with our juridical, vying with the newspaper, writers in chanting pæons of eulogy to this crude tribunal; which, while necessary, we admit, in its time, and not only that, but useful in developing the materials of a jural system, yet now that those materials oppress by their multitude, can serve but as an eternal inlet to disorder, an obstacle the more to all system, the despair of all science! We, moreover, retain this incumbrance and expense incalculable, public and private, for not one sound reason, at least in civil causes—save and except the usual *mos majorum* of English precedent. Even the English themselves have continued it in the civil department only because of the accidental services, in criminal matters, against the past persecutions of the crown. A tribunal which has often protected (legally or otherwise) the lives of “free-born Englishmen” was concluded to be of course the best possible to adjudicate in all tribunals whatever—without regard to the difference of parties, the purpose of the suit, or the circumstances of the times. This might be characterized as the Anglo-Saxon mode of generalization, of which we have a good illustration in the logic of Phædrus’ ass, who refused to eat barley, alleging sagaciously that he observed the hogs that were fed upon it to have been always killed. But in retaining the jury system we seem to have improved (in absurdity) upon this English and assinine reasoning. Under the constitution of England, the jury in criminal cases is of real value as a *political guarantee*; it is accordingly in this light that the thoughtful Germans regard it, who, though not remarkably

averse to either ceremony or complexity, are utterly at a loss to conceive what the English mean by wheeling into operation its ponderous machinery upon occasion of every petty, pecuniary litigation. But as such guarantee it has, obviously, no application under our institutions—at least none that does not better belong to the Executive prerogative of grace. This is not written from any particular hostility to the institution of jury-trial; but it is of the utmost importance to miss no opportunity of exposing that purblind packhorse pertinacity with which mankind in general will jog on beneath the crudities, become iniquities, of their early history; and, more preposterous still, the *pride* wherewith a certain variety of it vaunts itself upon institutions and usages, which, if only heard of for the first time as prevailing in China or New Holland, would probably have passed through every newspaper in the land as proof demonstrative that the Chinese were not only actual barbarians, but absolutely incapable of civilization.*]

But to return to Savigny, who proceeds, with reference to the more immediate subject of this note. “Thus, then,” (as he was describing,) “the jurists exert a two-fold influence upon the formation of the laws: one creative and direct; for, uniting in their body nearly the whole intellectual activity of the nation, they continue as its representatives: the development of the laws; the other purely scientific, for they gather materials from the various sources to compose the Jural system, and digest it into the arrangement and precision of logical form. This latter function of the jurists would seem to place them in a position of dependence, and as if having to act upon a given subject-matter, whatever it might be. But the scientific form wherewith they stamp it, tending unceasingly to develope and complete its unity, reacts upon the body of the laws itself, gives it a new organic life, and science becomes a new constitutional element, a new agency, for its indefinite extension and application. A

* Speaking of the newspapers, we have noticed in one, this morning, a case fully in point. The learned correspondent who represents the *Courier & Enquirer* in the Convention at Albany, writing of some proceedings respecting the Indians, states that these people refused the representative principle of government; from which he sagely infers the race to be incapable of our self-government and civilization—or something to that effect. Now it seems unfortunate for this inference that our own Anglo-Saxon forefathers, not many centuries ago, did exactly the same thing; that most of the populations of Europe had long deemed this “privilege” a burthen; and that there are possibly, even at this day, millions on the same continent who would refuse it as perversely as the Indians. Decidedly, this writer is an Anglo-Saxon Americanized.

glance will suffice to see the utility and importance of this reaction of science upon the Jural system."

[We will again interrupt the author to remark, that here is the idea of codification. The laws of a country, well codified, would correspond, at least approximately, to the state of the physical sciences, when, from being experimental, they become deductive—that is to say, properly, *science*. The organic life which Savigny speaks of as being a property of this state of the Jural system, we may conceive some idea of from the analogous properties of geometry: in which, from a few simple principles we may deduce infallibly, not only all the cases (of figure) that are likely to occur to us in real life, but all that may or possibly can occur in an eternity of ages. We do not mean to say that in the jural science, contingency can be entirely eliminated; we do say that it can be *included*, and that it will thus, upon occasion, be always reducible to principle, by means of a proper method. This method is a system of interpretation. Will those who talk in our Convention, or who think *out of it*, of providing us a code, vouchsafe to ponder upon these few leading ideas?]

"If we examine" (continues Savigny) "the relations of the Legal Profession to the confection of the Laws, we find them of more than one kind. In the first place, the decisions of the Courts, elaborated by its discussion, are, like the early popular jurisprudence, materials for the legislator: again, the special nature of the lawyers' knowledge exercises upon the laws various degrees of influence. It is they, moreover, by whom the laws are applied

and passed into practical life. The freedom and variety of forms which they employ professionally, permits them to show the identity existing between the abstract rule and the life-giving principle of Justice—an identity which gives birth to the law, but which is not immediately visible. Thus the scientific method of the Jurists—by means of interpretation—at once facilitates the application of the law and assures its consistency and empire."

In the foregoing exposition of the various and vast influence operated by the Legal Profession upon the laws—an exposition, which besides the objects for which, more immediately, it was adduced, will be seen to confirm the importance which it has been the purpose of the preceding paper to inculcate, of purifying and elevating and enlightening that influence—we shall add the succeeding paragraph of Savigny, as a conclusive and seasonable answer to those among us who would denounce this influence and destroy the profession itself as an unwarrantable monopoly.

"We see, then, that the lawyers have over the formation of the laws an influence of great extent. Those who deprecate this influence as an unjust privilege, would not be without good reason, did the lawyers constitute a caste not accessible to all. But as every man may become a Jurisconsult, by going through the requisite studies, the privilege comes to this, *that he who devotes to the pursuits of the law the labors of a whole life, may, by virtue of his superior attainments, exercise upon its formation a more than the common influence.*"—SAVIGNY. *System des heutigen Römischen Rechts. Kap. 2. § 14.*

PASSAGES FROM THE LIFE OF A MEDICAL ECLECTIC.—NO. IV.

THE cares and duties and facts of Life are sad foes of the Ideal. The stern worker has little time for fancies, however pleasant they may be to him. The Physician has less occasion than all others to draw on his fancy for material to indulge his sympathy. He sees men and women as they are. The noblest and truest are weak and sick. He sees their weakness without feeling it, for they are not placed in antagonism to him, consequently he judges them calmly, without any of the prejudice with which wounded feeling almost always blurs the clearest sight. The man who with noble energies, all misapplied, or running riot in wrong, has dissipated his fortune, disgraced his family, and destroyed his health, is often a noble ruin which the Physician contemplates with deepest sympathy and most intense interest. He has no personal wrong to disturb the flow of his kindly feelings. And then it is by no means unfavorable to the tenderest sympathy that we know all the sins and sufferings of those about us. I recollect an illustration of this truth. There was a young lady, a daughter of a friend, one of the few on whom I ever made an unprofessional call. She interested me strongly, for she had that sort of beauty which we involuntarily decree to be the "divine right" of Kings and Queens. She was a glorious girl and looked regal in velvet. But I never really loved her till my profession gave me the key to her heart. Then the commonest occurrences became of importance to me when connected with her.

I remember her at a party where she was queen of the night. How many slight acts then which were almost unnoticed, rose before me in after years with terrible explanations, and showed themselves, like the invisible contagion of small-pox and the invisible poison on the dagger's point, to be most powerful causes. I remember on one occasion at a party poor Caroline was cruelly hurt by an incident which, under certain circumstances, might have been forgotten in an hour, but which proved to be the germ of indescribable suffering. A young gentleman of wonderful power was present at the party. He had just begun to make himself famous as a writer. Caro-

line had been deeply interested in an article of his in the ——— Magazine. Her fancy was charmed and her heart thrilled, when she learned that she was likely to meet at the party the daring young genius who had dazzled and captivated her woman's head and heart. She looked forward to the wished-for evening as to an era that she might reckon from, as devotees reckon from Saints' days, and nations from victories. Caroline was already half in love with an ideal idol, who was, in her mind, a sort of lay figure adorned with wreaths and chaplets, formed from the beautiful article of the ——— Magazine. She wondered whether her hero would look as she expected. Was he tall, with dark, deep eyes, an Apollo's face, (which is *not* hirsute, good reader,) with a black cloud of hair that seemed stolen from a thunder-storm? Was he elegant but not foppish in his dress, and was his manner perfectly dignified and yet perfectly polite? Caroline settled it that he would be all this and much more, like the Dutchman's dollar-bill which he wished to exchange for some of the good things of a shop-keeper who doubted its genuineness. "Is this bill coot enough?" said the shop-keeper. "Yes, it is better as good," replied the customer. The long wished-for evening came. Caroline had dressed herself in a manner not to be seen, not to be noticed a second time for anything but herself, and she looked at the reflection of her elegant beauty and its simple unadorned with much pleasure. Yes, it must be confessed that she had sufficient taste and appreciation of the beautiful to admire the fair, high brow, the lustrous eyes, the rich, dark-chestnut curls, the snowy throat, the majestic form and pure white dress of Caroline Templeton. And I admired them too. I looked at her a great deal that evening. I little thought then how many consequences lay folded in those light hours that I spent in admiring Miss Templeton and listening to her sarcastic account of her introduction to the hero of her dreams and the ——— Magazine.

Cloudsley Wentworth was the horror of all regular, methodical, good people. He was the puzzle of the wise, and almost unknown to himself; though, had

his knowledge of himself equaled his faith in his own power, he would have been much wiser than common mortals. He knew that Miss Templeton was a beauty and a belle. He thought her a coquette, a very heartless one. He was right and wrong in his opinion. Caroline was too much the creature of the circumstances that surrounded her. She loved to enjoy the power that her beauty gave her. She loved to bask in the blaze of admiration; but beneath all this, she had a deep, warm heart. How true it is that we tend to be what we are taken for. Tell a man that he is a wretch and ten to one he will become a hateful wretch, for he will hate you for your plain dealing or ill will as the case may be. But Cloudsley Wentworth was young and proud, and his vanity was deeper and broader than his experience. He took it for granted that Caroline Templeton was a vain and beautiful coquette who sadly needed humbling; and in the plenitude of his youthful consequence he concluded that the duty of humbling her belonged to him—nay, that it was imperative upon him. So when he drew near the beautiful girl, who, with a beating heart, was awaiting an introduction to one who was already the finest picture in her dream-land, he determined on being guilty of a most ungallant and ungentlemanly act. Caroline was gazing rather furtively at his fine, manly face. He was more beautiful than she had painted him, even with the partial pencil of her fancy. His dark hair lay in masses of rich curls on a forehead so expanded that the hair was a happy relief. Caroline looked up at him as he stood in the pride and strength of his manhood, and she almost envied her friend Miss Carson, on whose arm Wentworth lightly laid his finger, to attract her notice to a question he was about to ask. Miss Carson turned and introduced Miss Templeton to Mr. Wentworth. A thrill of joy went to the heart of Caroline as Wentworth bent his head gracefully but with hurried politeness toward her, "Your servant, madam," said he, and turning instantly to a very common-place woman near him, he commenced an apparently earnest conversation with her. Caroline thought, surely he is only detained for a moment. He cannot do so rude a thing as to "cut" a lady whom he does not know at all, and can therefore have no reason for avoiding. Little did she know of the unrea-

sonable reasons that were influencing "the good-for-nothing" Cloudsley Wentworth. She waited in vain; her heart fluttered for nought. Wentworth took no more notice of her, secretly congratulating himself that he had humbled one who deserved it. At first Caroline was fluttered and impatient; by degrees she grew vexed; at length she was very angry; and she ended by nursing a viper hate in her heart. "He has insulted woman in me," said she, and she felt that she had a right to feel the corporate hate of the sex toward Cloudsley Wentworth, a man whom ten words and one of his own smiles would have made her worship. As it was, she instinctively sought me for her confessor and comforter. I was vexed with the fellow, and could almost have found it in my heart to have given him calomel or cantharides, or to have let his proud, bad blood out of his veins. But I soon forgot the incident. Not so Caroline. If she had lived to the good old age of a Mrs. Methuselah she would have kept the slight in her memory fresh and keen as the newly broken dagger's point.

Again I saw these bright creatures meet, but both were changed. Wentworth in the recklessness of power had acted imprudently, at times wickedly. He had drunk, gamed, and brought his worthy, widowed mother into some difficulty by his extravagance. There had always been two parties amongst those who took note of the young genius. One party praised him too highly, the other condemned him quite too severely. He was now on the verge of outlawry with all parties. The scale of his social fate hung trembling, and it seemed that the small dust of the balance would decide against him. But he went to the party in a stern spirit of defiance. Caroline was now the acknowledged queen of our circle. Wentworth was too republican to acknowledge queens or kings, and least of all was he disposed to acknowledge Miss Templeton. He was quite conscious of what he had lost and of what she had gained, but he approached the circle where she was standing, "bright with beauty and girt with power," with a haughty coldness, and at the same time the purpose to treat her as an equal, an acquaintance. Perhaps half unconsciously he wished, even then, that there had been no cloud between them, for beauty and strength always won his admiration. "Good evening, Miss Tem-

pleton," said he. "I, too, would bask in the sunlight of beauty," and he bowed his head, no one could tell whether in profound admiration or premeditated burlesque. Caroline's eye fell on him for a moment, and she was satisfied as to the meaning of his polite salutation. She interpreted it by his character and his previous conduct toward her. "Hell has no fury like a woman scorned." She felt an exquisite pleasure in showing her scorn and contempt by turning from him without a word, pointing the act by speaking to a sort of nobody who was near her; she gloried in using her power to make all shun him.

Truly he received from her that night "double for all his sins," and in the depths of his proud heart he vowed vengeance, and Cloudsley Wentworth never left anything half completed. Life could never have been lengthened for him to the period of forgetfulness; and then the wound he had received was deeply poisoned by many minute but damning circumstances. There stood by his side, so near that their garments brushed against each other, a mean pretender to literary distinction. He hated Cloudsley for succeeding where he had failed. A whiskered dandy with an ugly mouth was glad of the wreathed hate that curled the rich, glowing lip of the handsome Wentworth. Anger makes all alike ugly. A dozen in that circle had some petty spite to be gratified against the envied young man, who was guilty of many sins that they could have forgiven had he not been, like the king of Lilliput, a head taller than his fellows. Cloudsley turned away—a dimness came over his eyes, a cold sweat burst out all over his forehead and face, and every pore had a sting in it. He put his hand in his pocket for his handkerchief. It was not there. He could bear to hate and sneer, and to be hated and sneered at, but he could not bear to be without a pocket-handkerchief at such a moment. He was sure to have a handkerchief when he did not want it, and he was sure to have forgotten it when it was the most necessary thing in the world to him. A middle-aged, motherly lady, who admired Wentworth's genius, and sympathized with him in his present unhappy position and unlucky predicament, put a gossamer linen handkerchief into his hand. He softened for a moment, pressed her hand gratefully, and turned away to try his teeth, all unconsciously,

on the delicate muslin. He had the bad habit of gnawing holes in handkerchiefs when he was vexed.

It is sad indeed to trace the blight of human character, and that too when it results from such slight and seemingly insignificant causes, that we are sure that the smallest appreciable amount of true heroism would have turned aside the dark stream of fate which has overwhelmed and destroyed. I can never sympathize with those artists who delight in painting fiends. I can never believe that a babe could be born, and loved, and nurtured into maturity, to be only vile. When a human being becomes wholly evil, he must die and have a better opportunity to attain to the pure and the good in a better world. If any one looks over these pages in the hope to see a wholesale condemnation of humanity, he will look in vain. In the most darkened and hardened, I have seen gleams of light and signs of tenderness that have often surprised me, as fully as I was prepared to expect always, some good from all who wear the human form. Never can I forget the hour when I bent over the bed of a brutal murderer, who was confessing to me his crime. Even amid his horrible depravity the humanity made itself apparent. I said, "Why did you take this man's life?"

"He had a mortgage of my place—all the little I had."

"Had he not paid you the money for the mortgage?"

"He gave \$200 for \$2,000. He had enough. He could school his children, and they could have shoes in the cold winter, and my poor children could not have clothes to go to school, and they went hungry at home, and I had to work to get the money to pay the mortgage. I hated him for taking bread and clothes away from my children."

"How did you kill this man?" said I.

"I knocked him down when he went to take the money. He would not give me even a dollar. I knocked him down, but the blow did not kill him. I was sorry enough, for I did not want to strike him again, but I could not bear to see him suffer so, and so I killed him as quick as I could."

This confession of compassion for his victim was like the delicate flower of the Upas, or the quick and living flesh surrounded by the death of gangrene. Yet here, even here, where the law was obliged to assert its supremacy, and cut

off the offending limb from the body, we see signs of life. Ask me not, then, to paint the totally lost. While men live, they are not lost. There is always a life in humanity to which the life of humanity can successfully appeal.

Though I have adduced all this to prove that men are not all evil, that they are strange, angelic, demoniac beings, yet even my faith in humanity has been at times shaken, and perhaps never more cruelly than when I was obliged to contemplate steadily the course of Cloudsley Wentworth, through the two years that succeeded the scorn and slight hurled at him by Caroline Templeton at that, to him and her, memorable party. He had vowed to be avenged. He knew human nature well, and pretty girls better. He knew with whom he had to deal, and he took his measures carefully. He left society, and gave himself more closely than ever to the life of the student and author. He seldom was seen abroad, and when he did appear he sought no one, and no one could have thought, from his manner, that he wished to live in the memory of any one, though his elegant and tasteful dress gave evidence that he had not yet wholly abjured the world. I recollect thinking that Wentworth dressed remarkably well for a recluse, and yet I seldom thought of anything out of the right line of my work. He knew Miss Templeton's taste and habits. He wrote for her favorite magazines—he wrote what he knew she would love to read, what she would linger upon and weep over, and bind to her heart. In cold blood he did all this. He entered by this means, at the most sacred hours, into the most dear and cherished haunts of her home, and her father's grounds. He never went there, he sent only his lucubrations, but to Caroline he was always present. She saw that proud, scornful eye darting fire at her, and then she saw the sparkling and beautiful beaming in his eye and upon his lip—the rich blood deepening the red of his cheek. Through his writings she came to forgive him. She could not do otherwise, and then an accident brought about a meeting between them. It was in a sweet spot in the country, on the banks of a clear brook, that they met. Caroline had strolled out to read, to think, to feel the joy of life, in the pure air of a quiet summer evening. The sun was going down, and the clouds looked glorious to all who

were not too dull, too busy, or too miserable to look on them. Little do the lovers of cloud-land think that half the pleasure of gazing on these beautiful fleecy forms that clothe the heavens in bridal or festal garments, comes from that care-free life, that allows them even to look up at the skies. Caroline lay on a sweet bank, and read till she was surfeited with the sweets of her book, (it was Wentworth's,) and then she looked with a quiet joy at the sky that she could not forget, when months afterward, with the glare of death in her eye, and a hand of ice on her heart, she related to me every particular of her acquaintance with Wentworth. I think I see her now on that green velvet slope, with her white muslin dress falling like the robes of a queen about her, her straw hat, with its knots of blue ribbons, lying beside her, her hair and bosom decked with roses, her favorite flower, and she looks so lovely to my mind's eye, that the being who could mar and curse all this beauty, seems to me a very fiend, and yet I know that Wentworth was only a proud, sick, and vengeful boy. He was half-crazed, too, as many men of genius are in their youth; but I must confess he had a horrid "method in his madness." His eye gleamed with joy when he saw Caroline. She could not dream that it was the joy of the tiger who has found his prey.

He came towards her, bowed with deference, and extended his hand. "Shall we be friends, Miss Templeton," said he, in his blandest manner. "I trust so," said Caroline. But the hour for triumph had by no means come. Caroline was wary, and as selfish as Wentworth. But he knew his game; he did not follow up his advantage. He was more *recherché* than ever, but he was not idle, and the time came when he was continually with Caroline. Though she had a heart, she was what Cloudsley had deemed her at first, a vain and selfish beauty, because she was the creature of the circumstances that surrounded her; she had not that deep inner life which steadies and supports at once, or rather, such had been her training that she had never been thrown for comfort and support upon herself. Her father had sustained her, her mother had cared for her, and a host of admirers had drawn her continually out of herself. But proud, and scornful, and vain as she was, she was at last conquered. Tyrants make the most abject

of all slaves—and Caroline had been a tyrant, lording over all around, and giving little or nothing to any. Cloudsley Wentworth had gone steadily on toward the attainment of his one diabolical end, and when that proud will was wholly bowed, when Caroline had cast herself upon his bosom and told him that she would henceforth live for him and for him only, he was satisfied. He spurned her from him in that moment, and coldly said, "Miss Templeton, I remember, and I have had my revenge." Oh! what a blow was this to a heart—a human heart—a woman's heart. But she would not believe him; for once in her life her pride came not to her aid, and she sunk into the pitiful beggar at the feet of the merciless. She wrote to him. Read her words.

"Oh, my friend! I would write, but I cannot. I have burned one letter. Wherefore do I write? Wherefore should I? It is the consuming and quenchless fire of my poor soul—it is this, that urges forward my faltering hand. Why does it falter? I cannot answer. I have asked again and again, why is all with me thus? A thousand echoes answer to my soul like the wailing of midnight wind in a desert. Oh, my God! why was this heart created with all its endowments of earnest and steadfast love to no purpose? O God! enlighten me with a sudden ray of thy wisdom—Oh! give me peace, or the grave—that my dissolving nature may live again in the harmless flowers, and thus exist not all in vain. Why, Cloudsley, must I love with such entireness, when you say you scorn and hate me? But no, this is not so—it cannot be—else I should not feel this want for your love, which is too imperious to be controlled. Vainly I seek you, vainly I strive to awaken your love. I know all is vain—all things whisper the mournful truth to me. I fear, Cloudsley—Oh! do not be offended—that the glory of your soul is consuming on the altar of ambition. Oh, trust me! we who are for immortality should be worthy of it, and should allow nothing to supersede those refining and elevating sentiments which constitute the happiness of heaven, and the only true happiness of earth. I have loved you too well. I can never love you less. In the airy, ideal world, I would find my rose of joy, but when I look abroad, cloud rises on cloud, and my thwarted hope wanders back like the Ark-

less Dove. I would give up all human love, but I was not born for this. Invincible fate decides that my nature should fail in the accomplishment of such a purpose. Then, how useless is my life. How can I cultivate my mind, when it has become incapable of regular thought—when it collects every idea with labor—when I cannot form a conception or purpose, even in favor of my best friends, without first obtaining a victory over my predominating feelings? When nature inspires nothing but sorrow, what great or good thing can be effected? Sorrow is a perpetual canker-worm to every virtue and to every talent. Will you not see me? Will you not write to me? You little know how, like a blessed medicine, a line from you will subdue the pangs of my impatient spirit. Forever yours,
CAROLINE."

This letter was given to Wentworth by a special messenger. He read it, crushed it in his hand, knit his brow fiercely, and walked the room hurriedly for a long time. He pitied his victim, but he had made up his mind to crush her—and Cloudsley Wentworth finished his work at all times.

It was the evening that this letter was sent that I was called to the bedside of Caroline. She had sent her letter by a trusted cousin. She learned how it was treated, and she knew that she should never receive an answer to it. I found her in strong convulsions. They left her under the magnetism of my presence, but the fierce mental agony that succeeded baffled me entirely. I felt that I could only wait for the storm to pass. I sat by her. I held her hands in mine. I laid my hand upon her head, and I grieved that there are maladies for the relief of which art is powerless. I knew, then, that he spoke truly who said, "There are trials from which the soul that shrinks may yet walk calmly to the cross, and give back the clay to earth without a murmur."

But I was not yet Caroline's friend—I was not yet her confidant. I only felt her state; it was not formally and analytically revealed to me. At length the cousin who had taken her letter to Wentworth told me enough of the case to make me suppose it was necessary for an interview to take place between my patient and her pseudo lover. I did not then understand their relative positions. I asked Mr. Aylmer, (the cousin,) to call

and request Cloudsley Wentworth to see Miss Templeton. He went, and found that Wentworth had that day left for a distant city. He communicated the fact to Caroline. The next time I called, I found her writing, in a perfect storm of grief. I afterwards saw the letter she was writing, which the reader will readily conclude was to Wentworth. Terrible as it is to describe the humiliation of that haughty woman, I must yet finish the description by giving a copy of this second letter:

"MY DEAREST C.—Will you condescend to read one more letter from your poor Caroline? Will you read this heart-pouring chaos of words?—for such this letter must be. Will you feel that my heart is breaking? Oh, it is; it is bursting! I have heard that you are gone; that word has nearly killed me. Oh! nothing can again exceed my misery; but I am calmer now. Oh! I prayed to God, in uncontrollable agony, for you, dear one, and for myself. And now a sweet feeling of resignation comes over me. He will take care of me. He will direct my weak tread through the shadowy way. But, oh! my trust in my only Father and Friend, though great, is all too weak. I do love Him, though invisible, save in the benign and ever-varying manifestations of His in-breathing Spirit; and oh! my God, forgive me if I ever wander from thee, and seek too earnestly an earthly love—perhaps an idol. God has a brighter future for me. It must be so. The sweet departing summer, with its golden clouds, its gurgling brooks, its balmy atmosphere of cheerful flowers, shall brighten my life as surely as my love for you consumes it. Oh! now, now a sullen billow fills my soul with despair. Oh! how have I wished the leaden hours to fly that kept me from thee. Oh, Cloudsley, look upon the past! How much have I treasured for you—how perseveringly have I toiled to gather a small chaplet of laurels and flowers, and smiled to think that you would love me more for them. Now all is gone. You have left me without a parting word—you, whom I love so deeply that nothing earthly, while I breathe, can change the unwelcome current of my affections. Why could I not bear it? No thunderbolt could strike me down like this. Oh, my Heavenly Father, release me! Let me die, or bid him love me, for thy sake and mercy's. Oh! I should be so faithful to every wish of his and thine, O God! Is this prayer, is my

life, with all its gushing affections, in vain? How could you go away from my sight, and leave me to the world without a friend? You can never again find such a friend as I could ever be to you. But has my proud spirit come to this—forgive me, my head beats, my brow aches. Oh! there is such a change. Life is as, before I loved you, *nothing*. You have gone from me, but oh! remember, that time, nor distance, nor destiny, can ever allure my fixed soul from its union with thee; and, dearest, should disappointment sting, or friends forsake, or sickness prostrate, in this cold world, remember me, and think these words are not a dream, but wrung from the bursting heart of your own
CAROLINE."

This last letter was sent to Cloudsley during his absence. It evidently moved him somewhat, for he returned it and the previous letter, and wrote a few lines on the sheet that inclosed them. He said,

"MISS TEMPLETON:—I return your letters. You are too proud, to contemplate with pleasure the fact that such letters are in the hands of any man, when once your reason is restored. I leave you to your own good sense and dignity of character; these must restore you in time.
Respectfully, C. W."

I knew that as soon as Miss Templeton's pride could be thoroughly aroused she would be safe. The struggle was long. When she opened her heart to me she kept nothing back; she told me all her thoughts, feelings and fancies, and every incident of her strange and eventful connection with Wentworth. This confidence calmed her spirit somewhat, and at length her native pride and dignity of character was aroused, and Caroline arose again to meet her friends, again to look out upon the world. But she arose beggared in affection, blasted in life. She had given without return. The mystic circle of Love must be completed, or our life is expended for nought, and we become weaker continually. Do we wonder at the imbecility of the many when so little of true union is known, though the meaningless by-word is forever on our lip, "union is strength;" while men mockingly ask, what is love?

Oh, this human life of ours, how pregnant it is with awful meanings and mysteries! How the spiritual is chained to the material, and how morbid and erratic passion wastes and destroys the material body, which in its turn

reacts upon the spirit. Would that I could tell the secrets that are festering in the souls of those about me—would that I could expose to all who have eyes to see, the worm that is in many a bud. Though the imbecile, the idiotic, the insane, and scarcely less to be deplored, the coquette, might not be saved by the knowledge, some good might come of the revealing. Those who are not yet lost might be warned, and checked in the downward way, and preventive conditions might at last be sought when the need was fully made known.

Am I indeed free to write the history of my patient, material as well as pas-sional? or must it be said, in this year of our Lord one thousand eight hundred and forty, that noble natures, deprived of their rightful outflowing, are thrown back to prey in secret and in darkness upon life and health, and neither Pastor, Physician nor Press, utters a full and right-eous warning.

Caroline returned to society changed and changing. Her life became daily more blasted. With a hopeless Love eating at her heart, with the demons of mortified pride ever tormenting her, with no legitimate sphere of action for her powers, is it wonderful that she became the victim of morbid passions. Gradually her health failed, though she went much in society. The excitement of company and admiration gave her a sort of fitful life. She was the charm of certain circles, but she went to the solitude of her home, not for rest and peace, but to endure the collapse and misery consequent upon a false, a futile excitement. I saw the heartless life which she led with deep pain. Months passed, and I made no effort for her. My hand was paralyzed—my tongue was palsied—but oh, the agonizing prayer which I uttered in secret for this sister of my soul! Daily I became aware that her life was the transcript of many lives, and those too the noblest, if true development could but be realized. But what sphere of action has a proud and delicate woman when denied the life of the affections? What could she do in her morbid state, but become the destroyer of herself or others. Education, position, the influences of society, conscience and a blighted heart, all combined to keep her from falling into sin which the Church and the world recognized as such. Let no one then suppose that she fell into what is called a dissolute life. As her health

failed she sought compensation for her wasted life in the stimulus of excitement, and as she blotted Wentworth from her mind, and brought around her the poor triflers who were living as false a life as she was, she congratulated herself that she was saved from an unfortunate passion.

What mockery to use the word *saved* anywhere in this world! But Miss Templeton thought she was saved when she left a false worship and sought worshippers as false. Men think that the country is saved when masses, so low that they lack almost every attribute of humanity but the pseudonym *man*, can vote for and elect the idol and ideal of their own ignorance and stupidity; or when we have made nations our victims, and degraded ourselves to beasts of prey, then we are *saved*! And when one set of abuses has become so galling that we exchange them for another; for instance, when we exchange ardent spirits for pork and tobacco, and debauch forty years, instead of sinking into the grave in five, we are *saved*; and the world in its wisdom decides that those who pray to be delivered from such salvation, sadly need saving.

How often have I blessed the medical profession because it gives me a key to the hearts of those around me. I have explored their characters with a light that few others hold, and I know the worth that is in them; and when fate blasts or obscures the good, I know that it is for a season only. Goodness is eternal. This faith made me look with quiet and patience upon the reckless, heartless course of Caroline Templeton. She became a confirmed coquette; and Cloudsley Wentworth found comfort in the contemplation of her evil state, for having really and truly blasted her being till she became that mean and withered thing a *virtuous coquette*. He could not, or would not believe that her love for him, thwarted and thrown scalding back upon her heart, had brought her to this. No—he settled it that it was the inherent depravity of her nature. But Caroline settled nothing, reflected upon nothing. Her life was a bottomless pit of want, which she sought vainly to fill from the miserable famine around her. A purposeless life has something so revolting in it, that it is very difficult for me to bring myself to contemplate it for any one toward whom I feel even slight friendship. But I cannot tell how deep-

ly I was pained to see so much beauty, and sweetness, and energy, as Caroline possessed, so much worse than wasted. To see such a woman living the spider's life of snaring flies without the spider's wish to eat them, was a sight that made me well nigh angry. But I saw, that if we will elevate men or women we must give them high aims. Give people something worthful to occupy them if you would take them from the worthless.

At length that horrid train of nervous symptoms, dyspepsia, melancholy, weakness, irregular action of the heart, impaired vision, etc., etc., was so confirmed and so distressing that I was consulted by the family. I might have recommended sea-bathing, air, exercise and change of scene, but without a new direction could be given to the mind I felt sure that this would ultimately avail little. She was very unwilling to see me. She seemed to shrink from me instinctively, and then she clung with insane tenacity to the false life she was living; and though pale, and feeble, and wretched, and literally sinking into the grave, I found that I could not approach her, she was so busy doing nothing; but I was patient. I knew that she really respected me, and I waited for one of those hours of pique, satiety, or disgust that are scattered so thickly in the pathway of the votaries of folly. I religiously put "*Sartor Resartus*" in my pocket whenever I called, and at last I found an opportunity of giving her the book.

"Doctor," said she, with a start, after skimming a page or two, "you certainly are not serious in asking me to read this strange book of odd fancies. I have no time for any reading but Byron and Bulwer, and no taste for any other."

"But I *am* serious, Miss Templeton, and though I might ask you to read the book for its own sake, more properly than for any other reason, I will not ask it for that: I will ask you to read it for my sake, if you have ever considered me a friend."

Caroline sighed. "I will read it, Doctor," said she.

The time had come for me to speak plainly to my friend. I had watched her pallid complexion; the dreamy, deathly glare of her eye; her languid and trembling step; the alternate brilliancy and dark depression that came over her. In a moment of what-in health would have been slight agitation, I have seen her nearly suffocating from excessive action

of the heart. I could not refuse to risk instruction and counsel to one dying so rapidly, so painfully, and in such a suicidal manner. She received my words as one who had the elements of true greatness in her. With my counsel and Carlyle's *Life* book, she left for the sea-side. An entire change of thought and of action, daily bathing, horseback riding, and climbing over rocks, and through woods and ravines, soon began to work out my friend's redemption. She persevered for months in this course of life, and when next I saw her the bloom of health had begun to return to her; but she was by no means well. There was bitterness in her heart and her words. She had turned away from the altar of folly to sacrifice on that of hate and contempt. I recognized this as a necessary step in her way out of her moral and physical sickness. But I wished to hasten her progress through this phase of her life. Soon after her return from her sea-side residence I called on her. I was pleased with the improvement apparent in her health, but the bitterness of her spirit was very soon evinced by her conversation.

She said: "I have read your book, Doctor, and I fear it has done me very little service, for it has made me hate this ugly clothes-market of a world, and myself too."

"What we dislike we generally try to change."

"And generally try in vain," said Caroline, almost harshly. "I do not seek for change, Doctor; I make fools my playthings, and consequently have plenty of amusement."

"Amusement, however pleasant, is a poor business, followed as such," said I.

"Doctor," said Caroline, and her dark eyes swam in tears, and she trembled visibly, "I hate my life and almost all that surrounds me; but I live upon the outward—I cannot escape from this life, for I dare not look inward," and she shuddered. "You know me, and what a heart of cinders and ashes I bear about. I can never come to a resurrection, and why should I not live by the hour, when I cannot live otherwise? I have changed greatly, as you know, these few months, but my life is little better or wiser. I have been leading the life of a sheep or a goat, to get my health. There is no true life in me."

"But you can live otherwise, Miss Templeton. You have great riches in your in-

telleet. You can cultivate the rich powers of your mind and heart. You can write, let me tell you, as well as Wentworth."

Caroline started at that name, which I had never pronounced in her hearing since her recovery. She turned deadly pale, and then a deep blush overspread her face and neck, and she sat lost in thought. At length she burst into tears. She wept for a long time passionately, and then she said, "I am not all what I seem, my friend. The shadow of a purpose has come to me at times. Oh, that it might become a substance!"

I saw that my object was gained. The germ of a true and devoted life was already implanted in the heart of my friend. I doubted not that it might be nurtured by a wise friendship, quickened by the sunshine of kindness, till it should become a great tree, under whose cooling shadow many a weary one should rest. I watched with tenderest interest the growth of that purpose. I saw the parasites who had attached themselves to the morbid life of Caroline fall away as her health of soul returned. At first, she read the writings of those earnest ones who have spoken by a divine right; and then she simply gave in words the wail of a wanting soul. Hers was a deep and impassioned aspiration for life, earnestly expressed; and those who listened felt that a blessing must come to them also, in answer to her prayer.

Her first utterance, as I said, was the cry of want. Her writings lacked polish, the finished beauty of the artist; but her true and honest words arrested the attention of those who do not wish shams for themselves or others. Caroline aimed high. She had dealt with the low and worthless and inane till her whole soul revolted against it. How beautiful to me was the spectacle of redemption, wrought by a great thought, a living hope, impelling to true and energetic action. Caroline began by versifying her thoughts, but she learned after a time that her life was too earnest for the mechanism of poetry, and she poured forth her loves and sorrows, her hopes, her joy and her sadness in tales which people call fictions, because they do not know what is truth.

It happened that my birthday fell on the day on which I had carried "*Sartor Resartus*" to Miss Templeton—a novel book of divinity to convert a sinner with. A year from that day, I called again, not having the fact in my mind that a year had elapsed since my first effort for my

fair friend. She met me smilingly, and put a folded sheet in my hand, endorsed, "A birthday gift for a dear friend."

"Oh, my friend," said she, "when I think of the past, life seems to me a strange and changeable dream—a dream of death, and sorrow worse than death—a dream of life, and hope, which is the sunshine of life. When I think of that first crucifixion of my proud spirit, and then of the living death to which I was raised, and the worthless existence that succeeded, all seems a dream, filled with broken, distorted and hideous fancies. When I look upon the mistakes that I have corrected, the peace that I have gained, the work that I have accomplished in one year, I am filled with wonder, and I am ready to exclaim that the age of miracles is not passed."

I smiled, and said, "I am quite willing to believe in miracles, or exhibitions of wisdom, which we cannot understand for all time."

"But how like a miracle it seems that the passion which domineered over my life with such utter despotic power has passed. It is worth much suffering to learn that, though every dominant passion asserts its permanence, the assertion is often false. I thought that I could never cease to love Cloudsley Wentworth, but I have learned that no love is real or lasting unless it is mutual. I can calmly look over the lines of my life now, and I see that he only cursed me because I was in a state to be cursed. A healthy life would have remained intact to such as he. I can smile now at his arts, and think, had he killed me, it would have been a desirable change, and not a subject for lamentation. I thought I could never cherish another love in my heart; but I have now a love as much deeper than that insanity as the sea is broader than a rill—it is the Love of Use; the ambition to add somewhat to the material and physical health of my fellows—the great Brotherhood of Humanity."

"I rejoice in this love, Miss Templeton, which you so boldly avow. No blush can ever mantle your fair cheek in confessing such an affection."

"I owe you too much to hope to pay you," continued she, "for awaking in my soul a true ambition; but I will endeavor to pay my debt to others. I will try to make my experience a means of wisdom to the young and unlearned in life's lessons. Oh! how the young hug

sorrow to the heart, and how resolutely they refuse to part with it."

"They only refuse because they think it impossible to change," said I. "They must be taught, Miss Templeton, as children are taught to keep out of the fire, by painful experience."

"But some will listen," said she, "some will profit by the experience of others; they see all things change about them; they must therefore learn that change is possible."

I was very cheerful and happy at the close of a much longer conversation than I generally allowed myself with any one. How light was my step, and with what a peaceful happiness my heart pulsed as I returned to my home, which many thought must be lonely and unhappy because it was a bachelor's home. I was weary, but happy, that night as I placed my two American comforts—a footstool and a rocking-chair—beside my table, with a bright light, (I always stipulate for light everywhere.) I drew Miss Templeton's poem from my pocket; and though I could not call her a poetess, I could give her credit for the deep feeling and clear perception which belongs to Genius. I give her poem, that my readers may at least see a brick from the building I am trying to describe.

LIFE ON THE EARTH.

Life hath its many moans, its many cares,
Its clinging, withering shroud of fire-
tooth'd wo;

There grow amid the wheat, as many
tares

As mercy's God can suffer here to grow.

Want, bare-boned want, around us shrinks
and cowers,

For what of brave, young, springing life
can be

In streets, and lanes, and cellars foul as
ours,

Where e'en God's air and light are never
free.

Hearts, quivering human hearts, are born
to beat

In wretchedness so deep, and dark, and
lone,

That it would be most utter and complete
If God in heaven could e'er forget his own.

But darkness never yet was wholly dark;
The precious, diamond dew comes down
at night,

The cold, hard flint holds close the cheer-
ful spark

That blesses with its gladdening warmth
and light.

And angels hover round us all the hours,
And fan our fevered life with cooling
wings;
And when the lurid storm cloud darkest
lowers,
Beneath, beyond it, Heaven's own beauty
springs.

The flowers, springing from our mother
earth,
Make glad the temple of the living God.
They are the music, poetry, and mirth
Of the green world—the silent, senseless
clod

Is made all vocal with their joyous hymn,
In fragrance, breathing to the upper heaven.
Their beauty, not e'en sin could spoil or
dim.

A world where flowers can bloom must be
forgiven.

The trees so grandly beautiful and strong,
That give us fruit, and flowers, and cooling
shade;

They image forth the perfect. Whilst
among
The trees, we grieve not that the flowers
must fade.

The warm, bright sun the love of God re-
veals,
And shines amid the cold, and dark, and
drear,
Pure perfumed blessing air all round us
steals,
And makes the Earth, like Heaven, seem
very dear.

The clear and sparkling water from the
fountain,

Old ocean, rivers broad and little rills
That glad the valley and leap down the
mountain,

Like Truth, will purify the world from ills.

With birds, and flowers, and trees, and air,
and water,

And Love that lives forever in them all,
We know that Earth must be of Heaven
the daughter,

And Life and Labor will redeem her Fall.

An idle, frivolous life brings us into
idle and worthless associations; while a
life of usefulness brings us into useful
associations. New and valuable friends
gathered around Miss Templeton, and at
last one came who was, to the sobersan-
ity of her sorrow-taught perception, more
beautiful than the stuff that dreams are
made of.

She had labored with wisdom and en-
ergy for the restoration of her health,
material and spiritual, and she had been
successful.

How mighty are a few years for good
or for evil. Her new friend made for

her a Heaven in her health as Wentworth had made a Hell in her insanity and illness. But the question came, was she aught to him? and the warning of the past fell upon her spirit like a pall.

Eugene Herder was Wentworth's friend, his Mentor—and they were inseparable companions; but this did not hinder Caroline from making his acquaintance; for she now met Wentworth with as much indifference, apparently, as she met me. Wentworth looked upon her with wonder. He saw her as it were transfigured before him; no longer begging his love but commanding his admiration. The enthusiasm that kindled her eye and glowed upon her cheek; the springing life of her graceful step, and the queenly dignity of her whole bearing, were by no means lost upon Wentworth. But he never spoke of her to his friend. Herder saw her mostly through her writings—and he loved her as we love sunlight and the perfume of flowers, as a thing to be enjoyed; appreciated, but not possessed. "Such a being can never be mine," said he many times in the day and night: and Caroline echoed the plaint as many times, "Such an one can never be mine."

Herder had spent his life essentially alone, because he had found no one who approached the realization of his ideal.

"Would not a pic-nic on Laurel Hill be a fine affair one of these sultry afternoons," said Herder to Wentworth.

"Yes, if you want to be bored with gnats, and girls, and moschetoes."

"But we will only bargain for the girls."

"But you will get a shower thrown in, or else you will be thirsty where there is no water; or starved before the girls choose to open the baskets, and hungry after they are emptied; and the ugliest woman in the lot, with no brains to compensate for the lack of beauty, will be sure to fall to you; and then she will fall in love with you, and make a party when you are sick; and you will have to go and drink sour claret, or flat champagne, or brandied madeira. Bah! these pic-nics cost too much unless you happen to be in love and in luck at the same time, two things which do not occur once in an age. Deliver me, say I, from going pleasure-hunting."

But Herder was in love, and a man in love can carry out a purpose. He knew what wires to pull to set certain puppets

in motion. He busied himself slightly for a day or two; a great many ladies became very busy, and the result was a pic-nic.

As fate would have it, for once there was plenty of nice edibles, very little dust, no rain, and no unusual supply of gnats, moschetoes, or other vermin. Herder secured the companion he wished, and life, and time, and the pic-nic were all rose-colored to him.

The dinner was excellent; the shade was delightful; the wit decidedly attic, and the laughers sufficiently accommodating to laugh at the dullest jokes. And then bits of paper and pencils were put in requisition, and verses and "crambo" were written, and the day passed most pleasantly; and Caroline found herself possessed of some lines which she had no wish to present to the company, and so she put them carefully in her bag, and read them again and again before retiring. I shall steal a copy, though I am very sure they will not make my readers as happy as they made her.

"When the imprisoned soul for years hath looked upon the world through bars of triple steel, catching only faint glimpses of the sunlight, how wildly overwhelmed the heart becomes when the warm, gushing tide of rich, red light flows in, and compasses and thrills through all our being. The sceptic heart cries out, it cannot be! God never made such light for me. Just so my doubting heart exclaims—it cannot be that love is mine. It is another dream amongst the many that have chased each other from my asking heart. A golden dream, 'tis true, but still a dream. And with this dreadful doubt sheathed in the core of my all-living heart, I wait for sober, waking certainty."

This from Herder, the man of whom her good maiden aunt Katy, who had lived three-quarters of a century, said, "He is better-looking than Lafayette, and almost as good-looking as Washington. Ah! Carry dear, 'our first love is a love of fancy; our second is a love of judgment.'"

Caroline slept that night very sweetly, I dare say, and probably dreamed of roses and lilies, and a great many beautiful things.

The next time I called, she showed me some very happy poems and a large MS. tale, which she told me were all written since the pic-nic, only a few days; but affection had given the impulse to her pen,

and she wrote as rapidly as the happy moments flew past her.

What Cloudsley Wentworth became after years of stern struggle, when his genius was chastened and consecrated to progress, when the fiery folly of his youth had become a thing to be remembered and regretted—such was now the man who sought and obtained Caroline's love.

Another year of useful life, and I met a few beloved friends at the Templetons'. It was a bridal, where the angels of beauty and wisdom, and a world-wide benevolence, found a congenial sphere. The ceremony was impressive as a good and

true man could make it, and we felt that it cemented no hated contract, binding the indifferent or loathing, because interest or passion had led them to a bargain or an entanglement; but an outward and legal expression of a heavenly fact. The flowers that shed their perfume around us, were in accordance with the spirit of the scene. A chastened joy enlivened all; and when Mrs. Herder met Wentworth on her bridal eve, as the friend of her husband, I was well assured that he would not soon forget the hour when the gifted one whom his youthful folly had failed to blast, was given to his friend.

MORNING.

GENTLE morning, soft and glowing,
Melts the misty vale of night,
From her rubied corner throwing
Floods of rose and amber light :
Thus adorning—
Beauty is the dress of morning.

O'er the hills, the sun is streaming
On, to rivulets beneath ;
Dancing, floating, kissing, gleaming—
Giving every wave a wreath :
Thus adorning—
Beauty is the dress of morning.

The dew is quivering on the flowers,
Like an host of fairy eyes ;
Or as tears of summer showers,
Dropped, thus trembling, from the skies :
Thus adorning—
Beauty is the dress of morning.

Now from hedge and thicket ringing,
Comes the songsters' early lay ;
Welcoming the fair beginning
Of another summer day :
Thus adorning—
Beauty is the dress of morning.

Bees are bosomed in the clover—
Back and forth the blossom swings ;
Scarcely can we hear the rover,
Flower-muffled are his wings :
Thus adorning—
Beauty is the dress of morning.

Now the sun from high is throwing,
Ardent rays upon the plain ;
Mighty shadows less are growing,
And the morn is in its wane :
All adorning—
Beauty is the dress of morning.

J. J. C.

COOPER'S "INDIAN AND INGIN."

VERY narrow and imperfect is the common notion about novels, that they are fictitious narratives written to amuse. So far is this from being the case that we are persuaded no *successful* novelist ever wrote, or, at least, continued to write, without some ulterior aim—the advocacy of some principle or sentiment. A man of vivid imagination is generally, if indeed we must not say necessarily, also, a man of strong personal feelings and partisan tendencies; and when he finds himself in the position of a moral agent can he help making his fiction the vehicle of truth, or what he conceives to be truth? To uphold certain schools of art, literature or politics; to further social reforms; to discourage prejudices, and expose abuses; to make one nation better known to, and therefore, better appreciated by, another; to influence popular opinion, and even modify national habits of thought—these are some of the novelist's aims—not merely as some suppose in their short-sightedness, to help boarding-school misses and silly boys to kill time. Great, indeed, is his power for evil; but mighty is it likewise for good, nor is he always, thank God, a servant of Darkness. If D'Israeli perverts his dexterous humor to the gratification of private pique, and the resuscitation of defunct fallacies, Miss Martineau inculcates lessons of charity and long-suffering that are better than many sermons. If the French Romancers do their best to create a hell upon earth, by way of compensation for their disbelief in one hereafter, our own great novelist presents that spectacle which has ever been the philosopher's admiration—an individual who dares to tell the truth to a tyrant.

When "Satanstoe," the first of the Littlepage Manuscripts, appeared, it excited in us feelings of unmitigated pleasure and lively expectation. The "Chain-bearer" did not alloy that pleasure, or disappoint that expectation. We were glad to see our distinguished countryman applying his talents and energies to the exposure and censure of that evil condition of things which is at once the danger and the disgrace of our State. We were glad that he had written a novel on the subject, not a pamphlet, or an essay, or a disquisition; for men will read

novels who will not read pamphlets and disquisitions and essays. We were glad (for the first times in our lives) that he was a "Democrat," for many men will listen to a Democrat who would not think of hearing a "British Whig." Above all we were glad to find throughout these books abundant signs that their author aims at being a Christian as well as a gentleman—to meet with abundant recognitions of the Highest Authority—expressed indeed, at times, with that disagreeable dogmatism which seems as if by some fatality to attend on all Mr. Cooper's opinions—but unmistakably genuine, and as such heartily refreshing in a time of infidel *litterateurs*, and infidel legislators.

"The Redskins; or Indian and Ingin" completes his proposed task. "This book," we quote from the preface, "closes the series of the Littlepage Manuscripts which have been given to the world as containing a fair account of the comparative sacrifices of time, money and labor made respectively by the landlord and the tenants on a New York estate, together with the manner in which usages and opinions are changing among us; as well as certain of the causes of these changes." The present illustration of these developments involves none of those thrilling incidents for which Mr. Cooper is so famous. His story is entirely subordinated to his moral. The narrative contains few, or, to speak plainly, no points of particular interest. A young man and his bachelor uncle, both large landed proprietors, return from their travels in Europe to find their tenants in arms, and their own homes in actual danger. Disguised as German pedlars they visit the seat of war, are present at an anti-rent meeting, and observe the actions and motives of sundry parties concerned in the movement. Discovering themselves in a moment of excitement they are fairly besieged, and the rioters endeavor to make their house literally "too hot to hold them." But the arrival of some *real* Indians (on a visit to an old chief, a friend of the family) enables them to repel the "armed and disguised," or pretended "Ingins" till the sheriff comes to the rescue. Of course there is a heroine who is neither

more nor less interesting than the author's heroines generally are, and a wedding to wind up with according to rule established. In all this, save the introduction of the Indians proper, (a very felicitous conception, and very neatly worked out,) there is nothing more than might happen to any landholder in the disturbed districts; not so much as has happened to some of them. In short, "the Redskins" is simply a vigorous exposure of *Anti-Rentism*. And it is also evident to us that the book was written for the masses, that it was designed to enlighten popular views, and expose popular fallacies. This we infer from the sedulous repetition of its chief points, and the labor expended in asserting and proving such positions as these: That it is possible for the poor to tyrannize over the rich as well as the rich over the poor; that exclusiveness on the part of an individual is no infringement of his neighbor's rights; that money does not make the gentleman, or guide the gentleman in the choice of his friends—positions which to a gentleman are simple axioms,

ἐς δὲ τοπὸν
ἐμπνεύων χάριζαι.

The work exhibits throughout much of one of the last qualities many of our readers might be disposed to give Mr. Cooper credit for—strong common sense. No judge's charge could state the points at issue more clearly and forcibly. And *pari passu* with this common sense runs that common honesty which has of late grown very uncommon among us. An utter fearlessness of popular prejudices, and that mighty bug-bear, "public opinion," characterizes the book. To be sure, as it is our unfortunate tendency to run into extremes, the author sometimes says annoying things which are merely annoying, and can do no good. For example, he is continually dwelling on the *provincialism* of our city. Now here we happen to differ from him, and after our own limited experience of foreign cities, are convinced that in all the essentials and attributes of a metropolis New York may hold up its head with any of the second-class European capitals—Naples for instance. But suppose it otherwise—let New York and New Yorkers be as provincial as the novelist asserts, what good is there in his saying so? Nay, let them be as convinced of it as he is, what good would there be in their feeling so? Our own

impulse would be rather to magnify and exaggerate the beauties of New York in the hope of exciting her citizens to greater zeal for the honor of the Empire State, and greater vigilance against the danger which threatens so fair a domain. Again, we find most unnecessary offensiveness of language in every expression relative to New England. Thus, Puritanism is described in these conciliatory terms which might move the envy of D'Israeli himself:

"The rowdy religion, half cant half blasphemy, that Cromwell and his associates entailed on so many Englishmen, but which was not without a degree of ferocious, narrow-minded sincerity about it after all."

What would Thomas Carlyle say to this?

But whatever blame we might otherwise be disposed to bestow on Mr. C. for his worse than useless violence on some minor matters vanishes before our admiration of the unflinching resoluteness with which he has achieved his great task—that of telling his countrymen *the truth* on subjects of vital importance, respecting which most erroneous ideas are prevalent.

The main points affirmed, illustrated and *conclusively proved* in "The Redskins" are these:

1. That the alleged grievances of the tenants are utterly false and frivolous.
2. That the aim and object of the Anti-Renters is simply and absolutely to get other men's property without paying for it.
3. That the landlords' rights have been disregarded because they are rich men; and the rich being a minority, may, in this country of majorities, be tyrannized over with impunity.
4. That the present movement is only the first step to a general war upon property.
5. That there is still honesty enough in the community to put down anti-rentism at any moment, *if the honest men will only exert themselves properly*.

Of course, we shall not be understood that these topics are treated of in regular order, or that they are the only ones introduced; but the readers of "The Redskins" (and may their name be legion!) will agree in the justice of the above analysis.

How all this has been done we shall endeavor partially to show, by extracts

from the work itself, beginning with an indignant exposure of

THE POPULAR CANT ABOUT ARISTOCRACY.

"Lest this manuscript should get into the hands of some of those who do not understand the real condition of New-York society, it may be well to explain that 'aristocrat' means, in the parlance of the country, no other than a man of gentleman-like tastes, habits, opinions and associations. There are gradations among the aristocracy of the State, as well as among other men. Thus, he who is an aristocrat in a hamlet, would be very democratic in a village; and he of the village might be no aristocrat in the town at all; though in the towns, generally, indeed always, when their population has the least of a town character, the distinction ceases altogether, men quietly dropping into the traces of civilized society, and talking or thinking very little about it. To see the crying evils of American aristocracy, then, one must go into the country. There, indeed, a plenty of cases exist. Thus, if there happen to be a man whose property is assessed at twenty-five per cent. above that of all his neighbors—who must have right on his side bright as a cloudless sun to get a verdict, if obliged to appeal to the laws—who pays fifty per cent. more for everything he buys, and receives fifty per cent. less for everything he sells, than any other person near him—who is surrounded by rancorous enemies, in the midst of a seeming state of peace—who has everything he says and does perverted, and added to, and lied about—who is traduced because his dinner-hour is later than that of 'other folks'—who don't stoop, but is straight in the back—who presumes to doubt that this country, in general, and his own township in particular, is the focus of civilization—who hesitates about signing his name to any flagrant instance of ignorance, bad taste, or worse morals, that his neighbors may get up in the shape of a petition, remonstrance, or resolution—depend on it, that man is a prodigious aristocrat, and one who, for his many offences and manner of lording it over mankind, deserves to be banished."

ARISTOCRATIC EXCLUSIVENESS. (The Interlocutors are the Pseudo-German and one of his tenants.)

"Well, Mr. Greisenbach, the difficulty about aristocracy is this. Hugh Littlepage is rich, and his money gives him advantages that other men can't enjoy. Now, that sticks in some folks' crops."

"Oh! den it ist meant to divite bro-perty in dis coountry; und to say no man might haf more ast anudder?"

"Folks don't go quite as far as that, yet; though some of their talk does squint that-a-way, I must own. Now, there are folks about here that complain that old Madam Littlepage and her young ladies don't visit the poor."

"Vell, if deys be hard-hearted, und hast no feelin's for der poor and miseraple—"

"No, no; that is not what I mean, neither. As for that sort of poor, everybody allows they do more for *them* than anybody else about here. But they don't visit the poor that isn't in want."

"Vell, it ist a ferry coomfortable sort of poor dat ist not in any vant. Berhaps you mean dey don't associate wid 'em as equals?"

"That's it."

FEUDAL PRIVILEGES.

"Then the cry is raised of feudal privileges, because some of the Rensselaer tenants are obliged to find so many days' work with their teams, or substitutes, to the landlord, and even because they have to pay annually a pair of fat fowls! *We* have seen enough of America, Hugh, to know that most husbandmen would be delighted to have the privilege of paying their debts in chickens and work, instead of in money, which renders the cry only so much the more wicked. But what is there more feudal in a tenant's thus paying his landlord, than in a butcher's contracting to furnish so much meat for a series of years, or a mail contractor's agreeing to carry the mail in a four-horse coach for a term of years, eh? No one objects to the rent in wheat, and why should they object to the rent in chickens? Is it because our republican farmers have got to be so *aristocratic* themselves, that they do not like to be thought poulterers? This is being aristocratic on the other side. These dignitaries should remember that if it be plebeian to furnish fowls, it is plebeian to receive them; and if the tenant has to find an individual who has to submit to the degradation of tendering a pair of fat fowls, the landlord has to find an individual who has to submit to the degradation of taking them, and of putting them away in the larder. It seems to me that one is an offset to the other."

HARDSHIP OF LONG LEASES.

"The longer a lease is, other things being equal, the better it is for the tenant, all the world over. Let us suppose two farms, the one leased for five years, and the other for ever: Which tenant is most independent of the political influence of his landlord, to say nothing of the impossibility of controlling votes in this way in America, from a variety of causes? Certainly, he who has a lease for ever. He is just as independent

of his landlord, as his landlord can be of him, with the exception that he has rent to pay. In the latter case, he is precisely like any other debtor—like the poor man who contracts debts with the same storekeeper for a series of years. As for the possession of the farm, which we are to suppose is a desirable thing for the tenant, he of the long lease is clearly most independent, since the other may be ejected at the end of each five years. Nor is there the least difference as to acquiring the property in fee, since the landlord may sell equally in either case, if so disposed; and if NOT DISPOSED, NO HONEST MAN, UNDER ANY SYSTEM, OUGHT TO DO ANYTHING TO COMPEL HIM SO TO DO, either directly or indirectly; AND NO TRULY HONEST MAN WOULD."

RESERVATION OF WOODLANDS.

"This wood, exceeding a thousand acres in extent, stretched down from the hills along some broken and otherwise little valuable land, and had been reserved from the axe to meet the wants of some future day. It was mine, therefore, in the fullest sense of the word; and singular as it may seem, one of the grounds of accusation brought against me and my predecessors was that we had *declined leasing it*! Thus, on the one hand, we were abused for having leased our land, and, on the other, for not having leased it. The fact is, we, in common with other extensive landlords, are expected to use our property as much as possible for the particular benefit of other people, while those other people are expected to use *their* property as much as possible for their own particular benefit."

PLEA OF IGNORANCE. (*Loquitur an English servant.*)

"What is it you wants, I says to him? you can't all be landlords—somebody must be tenants; and if you didn't want to be tenants, how come you to be so? Land is plenty in this country, and cheap too; and why didn't you buy your land at first, instead of coming to rent of Mr. Hugh; and now when you *have* rented, to be quarrelling about the very thing you did of your own accord?"

"Dere you didst dell 'em a goot t'ing; and vhat might der 'Squire say to dat?"

"Oh! he was quite dumb-founded, at first; then he said that in old times, when people first rented these lands, they didn't *know* as much as they do now, or they never would have done it."

"Und you could answer dat; or vast it your durn to be dum-founded?"

"I pitched it into him, as they says; I did. Says I, how's this, says I—you are for ever boasting how much you Americans

know—and how the people knows everything that ought to be done about politics and religion—and you proclaim far and near that your yeomen are the salt of the earth—and yet you don't know how to bargain for your leases!"

THE DEMAGOGUE THE COURTIER'S COUNTERPART.

"Although there was a good deal of the English footman in John's logic and feeling, there was also a good deal of truth in what he said. The part where he accused Newcome of holding one set of opinions in private, concerning *his* masters, and another in public, is true to the life. There is not, at this moment, within the wide reach of the American borders, one demagogue to be found who might not, with justice, be accused of precisely the same deception. There is not one demagogue in the whole country, who, if he lived in a monarchy, would not be the humblest advocate of men in power, ready to kneel at the feet of those who stood in the sovereign's presence."

"True to the life" indeed! It is old Aristotle over again. The Stagyrte has a passage worth referring to in this connection:

"Another form of Democracy is where all citizens are eligible to office, as in the former instance, but the multitude is supreme, instead of the law; and this is the case when the people's resolutions (*τὰ ἡριδματα*) are valid, but the law is not.

This is brought about by demagogues; for in republics administered according to law, a demagogue finds no place, since the best citizens have the preëminence; but demagogues spring up where the laws are not valid. For there the people becomes a monarch—one tyrant composed of many. * * * Such a people, then, being virtually a king, seeks to play the king, as it is not controlled by law, and becomes despotic, so that flatterers are in repute; and this form among popular governments is analogous to tyranny among monarchies. Wherefore, also, their disposition is the same, and both are wont to tyrannize over the better class, and the resolutions of the one answer to the ukases (*τὰ ἐπιτάγματα*) of the other, and the demagogue and courtier are equivalent, and each other's counterpart."—POLITICS, Book 4, Chap. 4.

ONE LAW FOR THE RICH AND ANOTHER FOR THE POOR.

"There is a landlord in this State, a man of large means, who became liable for the debts of another to a considerable

amount. At the very moment when *his* rents could not be collected, owing to *your* interference and the remissness of those in authority to enforce the laws, the sheriff entered *his* house, and sold its contents, in order to satisfy an execution against *him*! There is American aristocracy for you, and I am sorry to add American justice, as justice has got to be administered among us."

A POPULAR SYLLOGISM.
(From an *Anti-Rent Lecture*.)

"Let the people but truly rule, and all must come well. The people have no temptation to do wrong. If they hurt the state they hurt themselves, for they are the state. Is a man likely to hurt himself? Equality is my axiom."

SLUMBERING OVER A VOLCANO.

"Look at the newspapers that will be put into your hands to-morrow morning, fresh from Wall and Pine and Ann streets. They will be in convulsions, if some unfortunate wight of a Senator speak of adding an extra corporal to a regiment of foot, as an alarming war-demonstration, or quote the fall of a fancy stock that has not one cent of intrinsic value, as if it betokened the downfall of a nation; while they doze over this volcano, which is raging and gathering strength beneath the whole community, menacing destruction to the nation itself, which is the father of stocks."

Elsewhere he contrasts the sluggish inattention of our citizens to this evil at their doors with their excitement about the remote perils of Oregon. Well may he be indignant at it, for such folly is not to be paralleled from the pages of history. To match it we must go to the regions of fable and look at *Æsop's* astrologer, who tumbled into a well while watching the stars.

MR. COOPER'S OPINION OF THAT ATROCIOUS PRIVILEGIUM CALLED, WITH EXQUISITE IRONY, "AN ACT TO EQUALIZE TAXATION."

"We deem the first of these measures far more tyrannical than the attempt of Great Britain to tax her colonies, which brought about the Revolution. It is of the same general character—that of unjust taxation; while it is attended by circumstances of aggravation that were altogether wanting in the policy of the mother country. This is not a tax for revenue, which is not needed; but a tax to 'choke off' the landlords, to use a common American phrase. It is clearly taxing *nothing*, or it is taxing the same property twice. It is done to conciliate three or four thousand voters, who are now in the market, at the expense of three or four hundred who, it is known, are not to be bought. It is unjust in its

motives, its means and its end. The measure is discreditable to civilization, and an outrage on liberty."

A NUT FOR THE ADVOCATES OF CONCESSION.

"That profound principle of legislation, which concedes the right in order to maintain quiet, is admirably adapted to forming sinners; and, if carried out in favor of all who may happen to covet their neighbors' goods, would, in a short time render this community the very paradise of knaves."

A MAKE-BELIEVE GOVERNMENT WORSE THAN NONE.

"Manytongues took charge of the watch, though he laughed at the probability of there being any farther disturbance that night.

"As for the red-skins," he said, "they would as soon sleep out under the trees, at this season of the year, as sleep under a roof; and as for waking—cats a'nt their equals. No—no—Colonel; leave it all to me, and I'll carry you through the night as quietly as if we were on the prairies, and living under good wholesome prairie law."

"As quietly as if we were on the prairies!" We had then reached that pass in New York, that after one burning, a citizen might really hope to pass the remainder of his night as quietly as if he were on the prairies! And there was that frothy, lumbering, useless machine, called a government, at Albany, within fifty miles of us, as placid, as self-satisfied, as much convinced that this was the greatest people on earth, and itself their illustrious representatives, as if the disturbed counties were so many gardens of Eden, before sin and transgression had become known to it! If it was doing anything in the premises, it was probably calculating the minimum the tenant should pay for the landlord's land, when the latter might be sufficiently worried to part with his estate. Perhaps it was illustrating its notions of liberty, by naming the precise sum that one citizen ought to accept, in order that the covetous longings of another should be satisfied!"

WHAT IT'S COMING TO.

"I agree with you, Hugh," said my uncle, in reply to a remark of my own; "there is little use in making ourselves unhappy about evils that *we* cannot help. If we *are* to be burnt up and stripped of our property, we *shall* be burnt up and stripped of our property. I have a competency secured in Europe, and we can all live on *that*, with economy, should the worst come to the worst."

"It is a strange thing, to hear an American talk of seeking a refuge of any sort in the old world!"

“If matters proceed in the lively manner they have for the last ten years, you’ll hear of it often. Hitherto, the rich of Europe have been in the habit of laying by a penny in America against an evil day; but the time will soon come, unless there is a great change, when the rich of America will return the compliment in kind. We are worse off than if we were in a state of nature, in many respects; having *our* hands tied by the responsibility that belongs to our position and means, while those who choose to assail us are under a mere nominal restraint.”

COOPER’S RECEIPT FOR ANTI-RENTISM is, in substance, simply to *disfranchise those counties which resist the operation of law*. When will our rul—our *servants*, we mean, be *men* enough to use so efficacious a remedy?

But our limits compel us to take leave for the present of this most valuable book. We say for the *present*, for its themes are too momentous to be disposed of so briefly. But one thing we must say in conclusion. The parts of this work which might seem, to the inexperienced reader, the wildest, such as the hints at emigration, suggestions of repelling force by force, &c., do not originate with Mr.

Cooper. The same thoughts have found a lodgment in many a breast already, though they have never till now found so open an utterance. More than one party of Americans in Europe (albeit it might consist of more than a bachelor uncle and his nephew) has held such a conversation as Hugh and Roger held in Paris. More than one American has given his friends as grim a welcome home as Jack Dunning did the Littlepages.

And finally (for there is room for a few more lines) if any one should blame us for omitting the lesser duties of criticism—for having failed to observe that Mr. Cooper’s style is at times incurably wooden, and his sentences frequently read the very opposite of what they mean, and his mottoes occasionally have not the least earthly connection with the subjects of the chapters to which they are prefixed—we have noticed these blemishes and others, as who has not in every novel that Mr. Cooper ever wrote. But at present we are in no frame of mind to carp at the spots on the face of the sun. If all our authors would write as truthfully as the author of “Indian and Ingin” we should be content to have them all write as clumsily.

JOURNALISM.

THE PRESS! what a moral and social power is comprised in that term! The PRESS! a sceptre swayed by an invisible hand! The PRESS! a throne on which a veiled prophet is seated! The PRESS! a sovereign whose mighty behests are without appeal! a tribunal whose decrees, like those of Providence, execute themselves! an impersonal despot, exercising without definite responsibility self-created power!

Is the press one estate of the realm? It is unrecognized and unacknowledged by the technicalities of the Constitution. Its existence is only connived at! Some that have felt its potency, have called it the fourth power. In practical truth, and actuality, it is the first power of the state!

Sovereign, Lords, Commons, and—the PRESS!

The order of formal announcement is the inverse of their actual importance. The most insignificant takes the lead—the place of power is in the rear.

To behold this mighty intellectual engine of human advancement surrounded with all the accessories which can augment its efficiency, we must look there where it is at once allied with unlimited power of capital, mental agencies of the first order, enterprise which acknowledges no limits, and a perfect emancipation from the trammels of censorship—we must, in a word, look to LONDON.

The original object of a journal was the collection and circulation of “news.” News! that is to say, information of those current events in which the public feels an interest. Hence a journal was called a “Newspaper.” This is still, and will ever continue to be, one of the chief, if not the most important, of its functions. But besides being a register of passing events, it has become a commentator upon them. It is a judge as well as a recorder. It is a self-constituted tribunal, to whose sentence all are amenable. It is the most

efficient of tribunals, because the sentence itself constitutes the punishment. Its punishments are inevitable, so long as its decisions are in accordance with that law of which it is the administrator. That law is PUBLIC OPINION. It is, further, a prognosticator of approaching events. With the character of the judge, it combines that of the prophet.

Yet, like other prophets, it often appears to predict, when it only announces that of which it has secret means of information. It often, therefore, seems to lead public opinion when it really follows it.

The light it sheds on public questions is sometimes only reflected. Its rays, collected from innumerable scattered and unperceived sources among that very public itself, are sent back in a condensed and concentrated state. The Press is to the scattered and divergent rays of public intelligence what the burning-glass is to those of the sun. It brings them to a definite focus, where their concentrated power exercises a force to which the most obdurate substances yield.

But public opinion is divided on all questions of general interest, and especially on political questions. Each great party finds its appropriate organ in the Press; and sometimes, as in the case of the Parisian Press, every *nuance* of opinion has its separate organ. This minute division is more limited in the London Press, owing to the vast capital necessary to establish and sustain a daily newspaper. Parties, also, in England are more ready to compromise differences, for the sake of the strength gained by coöperation. Newspapers are less multifarious, therefore; and more capital being devoted to the management of each individual journal, and the paper being sold at a higher price, there is a possibility of securing higher and more various talent in its conduct and direction.

The morning papers of London are the great organs and interpreters of public opinion in England. Of these, the *Post* is the exponent of the high Tory aristocracy, and eminently the organ of the *beau monde*. More than half its readers take it up without reference to its political lucubrations. Its leading articles, or editorials, as we call them in America, are characterized by a rabid spirit of bitter and

unscrupulous personality. It is the unbending supporter of all those traditions of the aristocratical oligarchy, which are so fast melting away under the rays of modern enlightenment. The columns of this journal are open to the contributions of those members of the rigid Conservative party, who think they can more effectually give vent to their opinions and feelings in that way than in the House; and these diatribes are issued by the fashionable journal under editorial responsibility. Some of the most virulent of these personalities are understood to proceed from the retired Secretary of the Admiralty of the Tories, the Right Honorable John Wilson Croker.

This gentleman, who is now enjoying the *otium cum dignitate* upon a large pension, to which he became entitled on retiring, after above twenty years spent in the public service, belongs to that class which, in England, are somewhat illiberally stigmatized by the title of political adventurers, or trading politicians. He was originally at the Irish bar. A practitioner at the Irish bar, was on the point of our pen; but, alas! we forgot the wide and mournful distinction between simply *being at the bar*, and *practicing* there. Mr. Croker was at the bar, and further we cannot with truth say. He was known in Dublin chiefly by the publication of a lively satirical criticism in verse on the drama called "Familiar Epistles to George Frederick Jones," who was then proprietor of the Dublin Theatre. Having succeeded in getting the favor of an aristocratic patron, he was returned to the Imperial Parliament for one of the nomination boroughs, where he soon signalized himself by his advocacy of his Royal Highness the Duke of York, in the delicate investigation promoted by Colonel Wondle; which, notwithstanding the clear truth and justice of the case, ended in the discomfiture and ultimate ruin of that officer, and the promotion of the Irish member to the office of Secretary of the Admiralty.

The more serious of the political effusions from the pen of this writer, find a place in the *Quarterly Review*; and those of mere temporary and passing interest, appear in the columns of the *Morning Post*. *

* Mr. Croker is also known in literature by his edition of *Boswell's Life of Johnson*; by which, however, he added very little to his literary reputation.

The *MORNING HERALD* has varied much, from time to time, in its politics. At present, its Toryism is not less rabid or virulent than that of the *Post*; and it aims at sharing the fashionable circulation of that journal. It affects to be the organ of the Humanity party, under which term are comprised the advocates for the abolition of Slavery, the abolition of Capital Punishment, and the mitigation of penal enactments. In religious matters, it represents the Church of England party, in its lower section, the high church being taken more exclusively under the fostering wing of the *Post*. The former paper, accordingly, deals roughly with the Puseyites, whom the latter handles more tenderly. The *Herald* was, or pretended to be, a government organ before last November, and lauded to the skies Sir Robert Peel as a political demigod. On the formal announcement of the ministerial project for the repeal of the Corn Laws, and the recognition of the principle of freedom of commerce, this journal became the vehicle of the most unmeasured invective against the late cabinet, and the section of the Conservative party by which it was supported, and of the most scurrilous personalities against Sir Robert Peel.

The *STANDARD* is an evening paper; the acknowledged organ of the High Church party, and commanding general respect for the talent with which it is conducted, and for the example it offers of the possibility of taking a strong political tone without forgetting the amenities which should mark the conduct of opponents towards each other in the contest. This paper is conducted by an Irish gentleman, Dr. Gifford, the son of one whose name was rendered memorable in the civil distractions which prevailed in Ireland in the year 1798. Whatever faults may be ascribed to the father, even his bitterest public opponents cannot say they have descended on the son. This paper was formerly noted for editorial articles of much merit, exhibiting high classical acquirements, which proceeded from the pen of another son of green Erin, the late Dr. Maginn, who cooperated for several years as assistant editor with Dr. Gifford.

The *MORNING CHRONICLE* is, and always has been, an organ of the liberal party, inclining to those opinions which in England are characterized as radical; and although giving general support to the Whig party, yet it is unsparing in its

censures when that party wavers in the onward course of reform. In short, the *Chronicle* is a moderate Radical paper, stopping short, however, of universal suffrage and chartism.

The *GLOBE*, an evening paper, has always been the recognized organ of the Whig party, and is notable for nothing else. It derives its support from the subscriptions it receives from the Whig aristocracy and their connections throughout the country.

The *SUN*, another evening paper, advocates the same opinions, and represents the same party, as the *Chronicle*.

We now come to the great leviathan of the Press, celebrated wherever journalism is known or a Press spoken of—*THE TIMES*.

The *Times* office is one of the lions of London, to which distinguished strangers are taken, as they are taken to see St. Paul's, the Tower, or Westminster Abbey.

Ten years ago, the *Times* consisted of a single sheet of four pages, of the largest size. Its arrangements for the supply of intelligence being extended, and its advertising business being considerably increased, the size of the paper was, about that time, enlarged; and printing presses were brought into operation sufficiently large to work off a double sheet, with the same expedition and at the same cost as a single sheet had been previously worked. The magnitude of the paper was then enlarged to eight pages, of the largest size. Within the last two years, the general extension of commerce in England, and more especially the vast extent of railway projects which were brought before the public, increased the demand for advertising space to such an extent, that a further enlargement of the paper became necessary, and a supplement, consisting generally of a second double sheet, was added, thus augmenting the paper to sixteen pages, each of which consists of six columns. Each of these columns consists of two hundred and thirty lines, of about the ordinary length of those of a common octavo page; and since the pages of octavo volumes, printed with the usual closeness, contain about forty lines, it follows that each column of the *Times* contains as much printed matter as would nearly fill six such pages; and that the usual double number of that paper, now published daily, contains as much printed matter as would be sufficient

to fill about six hundred pages of an octavo volume, printed with the ordinary closeness.*

This matter is collected, composed, written out, set in type, corrected, made up into columns, then into pages, set in forms, and worked off, to a number varying from twenty-five to fifty thousand, † according to the demand, all within the space of each succeeding twenty-four hours. And this prodigious intellectual and mechanical result is obtained daily through the year, Sundays excepted.

The editorial department of the Times varies to some extent, from time to time, according to the capacity, talents and acquirements of those in whose hands it is placed; but it is usually distributed among three persons, one of whom takes charge of the home department of politics and intelligence, the second, of the foreign and colonial matters, and the third, of commerce and the money market, including the daily article devoted to city affairs and the Stock Exchange. There is a director, whose duty is to attend to the making up of the paper, the proper arrangement of its contents, the communications of correspondents, and other obvious matters of business.

The munificence with which those who devote their talents to this journal are rewarded, may be judged from the fact that the three principal editors are allowed each about a thousand pounds a year.

Under the foreign editor is the corps of foreign correspondents. This is a department in which the Times stands quite unrivalled. A salaried correspondent is stationed in each of the chief cities of Europe, as well as in other quarters of the globe, whence any information of public interest may be looked for. The correspondents discharge towards the Times the same functions as ambassadors, ministers and *chargé d'affaires* at foreign courts discharge towards the British Government. They are usually so accredited, and put in such relation with influential persons in the places where they are respectively stationed, and above all, are so liberally empowered to reward those who may supply them with early and important intelligence, that they constitute the chief means by which this remarkable journal has acquired and sus-

tained its character as a source of early and correct information on foreign subjects.

The scale on which this system of correspondence is maintained, may be judged from the fact that in Paris the correspondent of the Times keeps a bureau, in which three assistants are continually employed in translation, transcription, and the other details of the business of the paper. Between this bureau and the London office expresses are sent whenever they are found necessary. These expresses have passed two or three times a week during the present year.

On the arrival of the India mail at Alexandria, an agent is authorized to run an express to London, which outstrips the mail generally by a day, and sometimes by two days.

This machinery for the rapid supply of foreign intelligence is not peculiar to the Times, although that journal uses it on a more liberal and efficient scale than other papers. All the London morning papers keep salaried correspondents in several chief cities of Europe, and occasionally run expresses, when important intelligence is expected. The immense revenue of the Times, however, gives it the power of resorting to these means of information on a much grander scale than any other journal.

The press used for printing the Times is capable of working off the paper at the incredible rate of six thousand impressions per hour, being little less than two per second. One side of the paper is set in type in the early part of the evening; a portion of the columns of the other side being reserved for the reports, or intelligence which may arrive in the course of the night, matter being always ready set up in columns, which may be inserted or postponed, according to the quantity of the intelligence that may require immediate insertion.

During the session of Parliament, it is the custom of both Houses, and more particularly of the Commons, to continue their debates to a late hour of the night, or rather, to an early hour of the morning. And it almost invariably happens that the speeches most interesting to the public, are those delivered at the latest hour. The report of these, nevertheless,

* The magnitude of each page of the Times is 24 inches long by 16 inches wide. Each page consists of six columns.

† On the day after Sir Robert Peel's opening speech on the Corn Laws, fifty-four thousand copies of the Times were circulated.

always appears in the morning papers, which are published between six and seven o'clock.

In cases in which an important debate begins at an early hour in the evening, the commencement of it appears in the evening papers. In connection with this, some amusing anecdotes are current. Thus, by the celerity of railway transport, it happens often that one part of a debate is in the hands of the population of places a hundred miles from London before the debate itself is finished!

The celebrated oration of Brougham on Law Reform was commenced at half-past five in the afternoon, and was not terminated until a little before midnight. One half of this speech was reported, printed in the evening papers, dispatched to the country by the night coaches, (railways did not then exist,) and read at twenty miles from the town before the speaker had concluded the other half!

The "Reporters" constitute a most important body in connection with the London Press. In the best organized papers, and especially the Times, these functionaries are grouped in several distinct classes, requiring different capabilities, having different responsibilities, and differently paid.

The Parliamentary reporters are the first of the class. It is an error to suppose that their duty is the mere mechanical process of transferring to paper in stenographic characters the words of the speakers. All the superficial space of all the papers in London would not afford room for a report of that kind. A judicious abridgement is what the reporter is generally called on to produce; and this must be done off-hand. He must have tact and quickness to give the essence of the speech. What is important and striking must be retained; the less material wholly omitted. That words may not be put into the mouth of the speaker which may be disclaimed, the report is usually given in the third person. In the case of speeches of great importance, delivered by Parliamentary leaders, or in the cases of occasional bursts of eloquence, or in strong personal invectives, the passage is given verbally, in the first person, and usually with surprising fidelity and accuracy.

The scholarship of reporters is often exhibited by the readiness with which they take up and report classical quotations, under circumstances in which it is evident the author quoted cannot be referred to. This, however, is not always a test of classical familiarity. The report-

ers have always messengers at their command, by whom, after, or even during the debate, they communicate with the members, and are enabled to verify and correct such quotations.

When documents of importance are read by members in their speeches, they are always given *verbatim* in the reports. In this case it is customary with members to come to the House provided with duplicate copies of each document for the reporters.

Parliamentary speakers generally but not invariably speak *extempore* in the only sense of that term in which any orator ever does so. That is to say, they prepare the substance and outline of the plan of their speeches, leaving the language in which the statements and arguments are to be clothed to the suggestion of the moment. In some cases, however, particular passages are written and committed to memory. Thus it is said that Brougham wrote the peroration of his speech on Law Reform three or four times, elaborating every word of it with all the care bestowed on the composition of an ode or an elegy. Yet when he delivered it he misplaced one word and (in his own estimation) spoiled it.

In more rare instances the entire speech is deliberately written and committed verbally to memory. This is in general the habit of Mr. Shiel, and always the case with his great speeches.

In these cases where speeches or parts of speeches are previously written by the speaker, a copy of the speech is generally given to the reporter of the journal which advocates the same political opinions as the orator.

Ludicrous circumstances have sometimes occurred from this practice. On the occasion of a great meeting to be held in a populous district of England, Mr. Shiel was expected to deliver an important oration, which should display in a striking manner his peculiar oratorical gifts. As usual, he wrote the speech in his study in London, committed it to memory and sent the manuscript of it to the Morning Chronicle just before he left town for the place of meeting. A disturbance, however, unexpectedly broke out on the ground, which deprived the orator of the opportunity of giving vent to the intended speech, and, as there were then no railways, it was too late to send to London to countermand the report, and it accordingly appeared in the paper of the next morning, to the infinite

amusement of the opponents of the honorable gentleman.

The Parliamentary reporters of the leading journals work by relays. The number employed by each journal varies according to the general efficiency of its arrangements, the capital embarked in it, and the revenues it dispenses. Some of the morning papers employ ten, some twelve, and some as many as sixteen parliamentary reporters. Let us take for example the case of a journal employing twelve. At the opening of the Houses one of these gentlemen takes his seat in the gallery of the Commons, and another in that of the Lords. After an interval of forty-five minutes these two rise and start for the office of the paper, being instantly replaced by two others who are in waiting for that purpose. After the lapse of another forty-five minutes, these last start off and are replaced by a third pair, and this succession goes on until the whole corps of twelve are exhausted; after which the pair who began the evening commence another "turn," and are followed as before in succession by the others. If both Houses continue in their debates so long, such a corps will discharge the duty for four hours and a half before the first reporters are called on for a second "turn." But this does not often happen. One House (generally the Lords) closes its debate before the six reporters allotted to it are worked out, in which case the balance attach themselves to the batch allotted to the Commons, and thus protract the interval between the successive "turns" of the same hands in that House.

It may be asked why so great a number of reporters are necessary. It must be remembered that the writing out of the notes which are taken during three quarters of an hour's debate occupies a much longer time than the debate itself. Thus it will happen that what has been noted down in forty-five minutes will occupy three or four hours in writing out for the press. It happens not unfrequently that the entire interval between two successive turns of the same reporter is insufficient for the writing out of his notes, and that he is obliged to postpone the remainder until after his next "turn."

Reporters exercise a discretion as to the length and completeness proper to be given to the speeches of different mem-

bers; and happy is the man whose "turn" falls on some one or more long-winded, prosing country gentleman, or some one of those speakers whose force lies in repetition of the same arguments again and again in different words. When such rise the reporter lays down his pen with a gratified air and thankful look, raises his person, rubs his hands and stretches his legs. Notes are altogether superfluous. He merely listens to the diluted oration, gathers its substance if it have any, and on returning to the office writes down, in half a dozen lines,

"What this little little speech was about—
bout—bout."

In the language of the Gallery a "heavy turn" falls to the lot of him who has to report the speeches of Sir Robert Peel, Lord John Russell, Lord Stanley, Lord Brougham, the Duke of Wellington, Mr. Cobden, Mr. O'Connell or any other of those names to which the reader of the morning paper is sure to look, and every word of whose tongue anxious thousands will ponder on. Here the reporter must put his shoulder to the collar and really work in the traces. Here no abridgement can be tolerated, and if the occasion be important the first person must be used and the speech given verbatim. This reporter has a hard "turn," for the whole interval between it and the next "turn" is insufficient for what he has to write out.

But cases occur which are harder still. In reporting speakers such as we have just referred to, there is some little satisfaction felt in the dignity and importance of the speech and the occasion, and in the consciousness of the vast number who will next morning read what has cost so much painful labor to provide. Where, however, a dull and spiritless millionaire, ambitious of notoriety without the talent to acquire legitimate reputation, happens to be a part proprietor of the journal on which the reporter is engaged, a dire necessity weighs on the unfortunate scribe, compelling him to give word for word that which has not received the attention of any individual within the walls of the house except the unhappy reporter himself.

Among the prizes which occasionally fall to reporters we must not forget to mention *divisions*. When the House divides, the members on each side of the

* Moore's Two-penny Post-bag. Abbott's speech against Catholic Emancipation.

question go out at separate doors, the "ayes" at one and the "noes" at another. They are counted as they make their exit and their names taken down. This operation occupies generally half an hour, just two-thirds of a "turn."

But the greatest godsend to the poor reporters is the "counting out." By the rules of the House forty members are necessary to form a quorum of the Commons. It is competent for any member present, whenever he thinks that less than forty members are present, to move "that the House be counted," and if the number when that operation is performed prove to be under forty the meeting is *ipso facto* dissolved. On such occasions curious scenes are presented in St. Stephens. When the speakers who are expected to address the House between the hours of seven and nine offer no very strong attractions, the members who are perhaps waiting for the next question find a lounge in the lobbies, a chat in the waiting-rooms, an amusing volume or a newspaper in the library, or a maintenance cutlet and a flask of champagne at Bellamy's, infinitely more agreeable than a seat in the benches listening or trying not to listen to the balbutiating of some west country Baronet. The House in one sense of that word is pretty full. But the members who fill it are not in their "places" in the parliamentary sense of that term. Some malicious member suddenly rises and moves that the House be counted. Messengers who are kept by the cabinet in waiting for the purpose rush with breathless haste to all parts of the House, lobbies, waiting-rooms, libraries, attics, cellars, to hunt in the truant members, and before the doors can be closed for the "counting" the necessary forty is made up to the infinite vexation of the gentlemen in the gallery who expected a release.

This class of reporters are, as they ought to be, well remunerated, at least on the most respectably conducted morning journals. Five or six guineas a week cannot be regarded as excessive compensation for such labor and responsibility, and such exhaustion both of body and mind. Although this occupation does not directly and necessarily lead to professional advancement, yet it affords occasional opportunities of which genius has often availed itself. It boasts of having counted among its members the most distinguished ornaments of the Bench. The late Chief Justice of the

Queen's Bench, Lord Abinger, was formerly a reporter.

The Law Reporters form a class not less respectable, though, in the interests of Journalism, less important than those who report the debates. Barristers who have not yet acquired sufficient practice, usually avail themselves of this occupation, being consistent with their professional studies, and yielding an honorarium which many find very convenient. The reports of the proceedings of the courts of justice are thus supplied.

The Police Reporters are of the lowest caste. The papers do not always employ expressly such functionaries. They report independently, selling their versions of the proceedings to any and all journals that will buy them.

Finally, at the foot of the scale, stand the *penny-a-liners*, a class whose peculiar province it is to collect the particulars of accidents and offences, and in general of all incidents occurring, the mention of which in a journal is interesting to the public. The name of this class is derived from a practice which some journals pursued of paying for the intelligence supplied by such collectors at the rate of a penny per line.

It will be evident that this branch of the business of Journalism is subject to various sources of abuse. The more respectable papers of London endeavor to protect themselves against these evils by accepting such intelligence only from reporters with whom they are well acquainted, and over whose good faith they exercise the check which the power of dismissal gives them. Thus, even in this humble department of intellectual labor, character does not absolutely go for nothing.

Of the wonderful fidelity of the London reporters, especially those who attend the houses of Parliament, and all great political meetings, many examples may be given. Members of both Houses have on various occasions brought the printers of the leading journals to the bar of the House for alleged misreporting of their speeches, but in almost every such case, the journalist has come off triumphant. Lord Limerick and Mr. George Dawson successively brought the "Times" to the bar in this way; but on the members who had been present being appealed to, they declared that the reporter had given the passages complained of *verbatim*, as spoken.

The abuses of reporting are more par-

ticularly prevalent in the police department. Some papers have allowed a certain license to their police reporters, to be exercised under discretion, by which a coloring more or less humorous or pathetic, as the case might be, was recognized. It is said that the talents of Dickens were first developed in this department of journalism. The police reports of the Morning Herald were at one time read with as much interest as the Pickwick papers since excited. This practice, however, has been condemned by the more reputable papers, and is not now pursued.

There is, however, a much more serious abuse incidental to police reporting, and which the most sincere efforts of even the most respectable journals cannot entirely repress. In cases in which parties are so unfortunate as to be brought before a police office, whose position in life, or whose sex, renders them more than commonly sensitive to the publication of their names in a newspaper, it sometimes happens that the reporter, not being above such proceedings, prepares a report, in which the case is highly colored, and the names of the parties introduced in the manner which he imagines would most wound their feelings. This is dexterously introduced to the eye of the parties before it is sent to the newspaper, and it rarely happens that a considerable *douceur* is not willingly given for the suppression or modification of the report. This abuse has been much fostered where a single reporter only attends a police office. But even the competition of two or more is no effectual preventive to the abuse, since a mutual agreement to share the fees thus exacted, leaves the evil flourishing in all its vigor.

Still, much may be and has been done by the integrity of the conductors of the leading daily papers in suppressing this nuisance. It may be truly stated that there is at present no daily paper in which such abuses are practiced.

But if the abuse of suppression be subdued or mitigated in the daily press, the more colossal nuisance of extortion by menace is carried to a frightful extent in the conduct of certain well-known weekly papers. These journals drive a double trade of infamy. Not only do they pander to the basest propensities of their readers by circulating foul personalities and obscene slanders, accompanied by the names of individuals, but they carry on the traffic of black-mail to an extent, and with a defiance of decency, of which no

Press in the world can afford a like example. Agents from these journals find means of communicating with those who, having the means of gratifying their demands, are either by nervous temperament or by imprudences of conduct obnoxious to exposure. The late Duchess of St. Albans was extensively victimized in this way. The agent usually calls on the timid victim, or addresses a letter, informing him or her that certain reports have reached the editor, which cannot be excluded from the columns of the paper unless immediate and effective steps be taken for that purpose. The extortionate demand is generally complied with.

It might be supposed that journals notorious for a traffic so atrocious, would be excluded from all places of respectable resort, and that no decent family would permit them to be received in their house. Our American readers will, however, be surprised to learn, that these papers are received in every club in London—are received in aristocratic houses—that the day of their publication is the Sabbath, and that one of them is the recognized favorite and organ of the Established Church.

It would be, however, a great mistake as well as a great injustice to confound all the weekly papers in this condemnation. The Examiner and the Spectator, both of which appear on Saturdays, are models of journalism. The editorial articles in the former are well known for their elegance of style and the brilliancy of their wit. These are from the pen of Mr. Albany Foablanque, who is also proprietor of that paper.

The proprietorship of the London journals is, however, in general, (indeed we believe invariably with the exception just mentioned,) distinct from the editorship. The editors are salaried functionaries. Those of the leading daily papers are either promoted from provincial journals, or rise by degrees from being reporters to be correspondents and assistants in various grades, ultimately rising to the editorial chair. Mr. Barnes, who was for many years principal editor of the "Times," was a graduate of Cambridge, and had been a reporter to that journal. Mr. Murray, who conducted the foreign department of the paper, had also been a reporter.

In the ethics of the press there is a point which has long been a vexed question. Is it morally necessary that the personal political opinions of the editor

of a journal or the salaried author of its articles should be in accordance with those which the journal advocates and supports? The mass of mankind would answer at once in the affirmative from mere moral instinct and without even considering the question. It is a point, nevertheless, on which opinions have not been at all unanimous; and instances can certainly be produced of respectable men conducting a journal, in the capacity of its salaried editor, which took a part in politics contrary to their private opinions and feelings. During the period when the Times newspaper supported the Tories and opposed the doctrines of the Whigs and Liberals, its principal editor was Mr. Barnes, whose personal feelings were well known to be liberal.

It is contended that a journalist is analogous to a barrister. He is a feed advocate who is not supposed to express his personal feelings, but to support to the best of his abilities the opinions which his client desires to be advocated. It is even contended that he may consistently with moral principle give his advocacy successively to opposite parties. That this view of the ethics of Journalism is universally adopted in England we by no means affirm; but that it is acted on to a considerable extent even in the management and direction of the most respectable papers is incontestable.

Whose opinions it may then be asked is any given journal supposed to advance? Not necessarily those of the editor as is evident. Then as to the *proprietor* that term is often a noun of multitude. Among the proprietary of a Tory paper individuals may be found who are Whigs or Radicals, and among that of a Whig or Radical paper will often be found Tories and Conservatives.

But even in cases where the paper is the property of an individual, it by no means follows that its politics are identical with those of its owner. A short time ago one individual was the sole proprietor of four London papers: the "Morning Chronicle," the "Observer," the "Englishman," and "Bell's Life in London." The Morning Chronicle at the time was a Whig-Radical journal; the "Observer" advocated the politics of the ultra-Tories; "Bell's Life in London" adopted the more liberal Tory opinions; and the "Englishman" was a sort of *réchauffé* of the "Observer." Soon afterwards the proprietor finding that the

circulation of the "Observer" was declining, ordered its politics to be changed to those of extreme Radicalism, while "Bell's Life" veered round to rabid Toryism. The "Observer" at a later period shifted again round to ultra-Toryism, and "Bell's Life" became an ultra-Radical organ. These proceedings indicate very unequivocally the object of the owner of this miscellaneous newspaper property. He desired simply to fabricate goods to meet the demands of the market, and provided such variety as that he should be sure to please every customer.

A reporter employed for one of these papers, some years ago, stated that when he was negotiating for an engagement as a literary contributor to the "Observer" and the "Englishman," the proprietor wished him to take the line of the most extreme Toryism. He was, however, as he said himself, of all existing Radicals the most violent and uncompromising, and like Sterne's Parson, "trusted that he had a conscience." "Conscience!" shouted his astonished employer—"conscience! sir, what in Heaven's name has conscience to do with the affair? Zounds, sir, it is the first time that I have met with a gentleman of the press hinting at a conscience. The last editor I had was a clergyman, and he invariably before he wrote on any subject used to ask me which side he should take." "That clergyman was a scoundrel," replied the scrupulous *Homme de lettres*. "I have no right, sir, to impose subjects on you, and will avoid or take up subjects as you may see fit; but whatever I write upon I shall express honestly my sentiments and opinions which are ultra-Radical."

Finding this person an able writer and quite inflexible in these views of his duty, the proprietor thought it would be more his interest to change the politics of the papers than to lose so valuable an auxiliary, "so," said the narrator, "the two papers were changed in a trice from the most abject servility of Toryism to the most exalted abstractions of Radical Utopianism."

The circulation of a journal in England is perhaps more affected by the skill of its conductors in anticipating great political changes, or their vigilance and activity in procuring early intelligence of coming events than by any other circumstance. We are indebted to the same source for the following anecdote of Mr. Perry, who, as editor and proprietor of

the "Morning Chronicle," amassed a considerable fortune. It will show how precarious newspaper property may be, even when managed with the most unquestionable ability.

Perry had written a leading article in the month of June, 1815, which was marked with all his usual spirit and acuteness, and moreover was admirably well timed. Its anticipations were on every sound and rational calculation sure to be verified by the event; and although they were against the current of the hopes and wishes of the public, still the result would show the superior sagacity and penetration of the writer in a manner to promote the character of the "Morning Chronicle."

The object of this article was to demonstrate the incalculable chances against their success in the war in which the Allies had then engaged. He demonstrated beyond all possibility of doubt the almost impossibility of a victory being gained, and the infallible and deplorable consequences which must ensue from a defeat. Nothing could evince a sounder judgment or a more thorough acquaintance with all the details and general principles of the case. The article was in type and the type in the galleys, and the article would have appeared next morning. During the night the news of the victory of Waterloo arrived! The type was ordered to be distributed and an article containing a congratulation on the godsend was substituted for it. Had this news arrived a few hours later the "Morning Chronicle" would have become the butt of the press and the laughing-stock of the country. Upon this accident of the hour of the arrival of a courier depended the value of the paper to the amount of several thousand pounds.

Of all the journals which have ever circulated in any country the "Times" presents the most striking example of sagacity in the anticipation of political contingencies and the successful activity in the early collection of intelligence. During the great continental war which closed with the battle of Waterloo this journal had fast sailing sloops and other vessels of light draft chartered in its service, which under neutral and even hostile colors were accustomed to run into the ports of the continent, and become the vehicles of intelligence of events passing in various countries of Europe. This information often outstripped the

resources of the Foreign Office, and Downing street had frequently to acknowledge its obligations to Printing-House Square for information which the King's messengers and diplomatic agents failed to supply.

The surprise of the public at the announcement of the dismissal of Lord Grey's ministry on the death of Lord Spencer, and the accession of Lord Althorp to the peerage in the leading article of the "Times" will not be forgotten. "The Queen has done it all," echoed from one end of the kingdom to the other. This was communicated to the public in the columns of the "Times" when it must have been properly a cabinet secret. It was whispered at the moment that the "Times" was indebted to Lord Brougham for this information.

The memorable announcement of the intended measure of the Peel Ministry for the repeal of the Corn Laws, given in the "Times" last December, will not be soon forgotten. The burst of astonishment it excited through the country, and the indignant incredulity of the press respecting it, will be long remembered. The announcement was distinct and circumstantial. "The Corn Laws were to be totally repealed!"—wonderful! "The measure was to be a cabinet measure!"—more wonderful! "It was to be proposed by Sir Robert Peel in the Commons, and by the Duke of Wellington in the Lords!"—most wonderful! The "Herald," a Cabinet paper, laughed at the JOKE! The "Standard," a Peel organ, pronounced, officially, the statement to be A LIE! The "Morning Chronicle" put on a grave face, thought the "Times" would scarcely risk its character by making such an announcement if it had not good grounds—but did not know what to think. Nevertheless, the "Times" deliberately and circumstantially reiterated its assertion. In two months' time Sir Robert Peel did propose the measure in the Commons, and subsequently the Duke of Wellington proposed it in the Lords. The "Herald" and the "Standard" found out that they had been tricked and cajoled: but they would rather be tricked and cajoled they said, than condescend to obtain information by the means resorted to by the "Times." Meanwhile, the circulation of the "Times" on the day of opening the debate touched fifty-four thousand!!!

The "Times" is as remarkable for its

boldness as for its caution. It acknowledges no party, nor does it allow any individual that dictatorship in its management which generally is granted to a chief editor. Its organization is a sort of despotic oligarchy, in which responsibility attaches to no individual. It is eminently the exponent of public opinion. The political leaders may be named whose opinions are represented, and whose advancement to power is promoted by each of the other leading journals, and there is a party which, coming to power, would necessarily convert these journals respectively into ministerial organs. But the "Times" is never a ministerial organ. It will not permit itself to be identified with any party in the political arena. Those opinions, whatever they be, which are about soon to prevail, these are the opinions advocated by the "Times." It accordingly always seems to lead and guide public opinion. That is a mistake, however. It in fact follows public opinion, although it appears to go before it. Practice has conferred on it the most consummate penetration and the most inconceivable accuracy of perception in public affairs. It gets credit, nevertheless, for even more penetration than it possesses; for its pecuniary resources are so vast, they are so profusely dispensed, and its influence in the highest quarters is so powerful, that its means of private and early information are infinite, and when it acts on such information, it gets frequently the credit of acting from sagacity and general views.

The "Times," with its double-sheet supplement, has frequently sixty columns of advertisements, for which it probably receives a sum not less than five hundred pounds! The nominal price of the paper is fivepence, but it is sold to the news agents, through whom only its retail sale is carried on, for fourpence. It will be apparent that the produce of its sale even at its highest amount of circulation, is insignificant compared with the revenue derived from its advertisements. Five hundred pounds is, however, considerably below the amount to which the daily receipts for advertisements, not only of the "Times," but of other daily papers published in London has occasionally attained. During the fever of railway speculation last year, it is well known that a thousand pounds per day were received by each of the leading morning journals!

This extraordinary stimulus gave birth to a newspaper, which may, by possibility, produce a revolution in English journalism. The enormous profits flowing into the treasuries of all the papers, and more especially of the "Times," at that epoch, suggested to certain persons of enterprise and capital the project of establishing a new daily paper of independent, popular, and liberal politics, aiming, in its management and organization, to share the market with the "Times." The great success attending that part of the Paris journals called the "Feuilleton," suggested the idea of introducing such a department into the new journal, and as the names of Eugene Sue, Alexandre Dumas, George Sand, and De Balzac, had done so much for the circulation of the *Debats*, the *Constitutionnel*, the *Presse*, and the *Siècles*, it was not unreasonably supposed that a like expedient might be attended with similar success in London. Dickens was accordingly selected as the day-star of the feuilleton of the new journal, an enormous pecuniary honorarium was guaranteed to him, and his name was announced with due pomp and ceremony. The other departments of the paper having been duly filled, editors enthroned, the diplomacy of the journal settled, and an army of reporters and correspondents duly enrolled, the paper was issued on the opening of Parliament with the title and style of "The Daily News."

A very brief period, however, was sufficient to convince the proprietors that newspapers grow, but cannot be made. They do not start, like Minerva from the head of Jupiter, into sudden and instant maturity. Dickens and the feuilleton did not tell upon the circulation. Whether this was owing to the public not being yet accustomed to the feuilleton, or because of mismanagement in the way of bringing it forward, we shall not inquire. The thing was a dead failure. An arrangement was made with the distinguished novelist, who speedily withdrew from the concern, and has since retired to Switzerland, whence it may be hoped that the productions of his fertile pen may be received in a form more acceptable to the public and profitable to the author.

Besides the failure of the feuilleton, it became evident that there was not that practical acquaintance with the business of a daily journal in the chief editorial department, which was necessary to en-

sure a successful competition with the other London journals.

In this emergency the proprietors of the concern came to the bold resolution at once to reduce the price to one half that of the other papers. This reduction, however, was in reality much greater than it appeared. The price of the London daily papers is fivepence, (ten cents,) of which one penny, or two cents, represents the stamp. Since the stamp still remained the same, the reduction from ten cents to five cents was in reality a reduction from eight cents to three cents; or a reduction of sixty-two and a half per cent. on the original net price. This measure was taken on the 1st June last, and has now, (1st August,) been about two months in operation. The result is variously reported by the friends and the opponents of the paper. We have no reason, however, for inferring that it does not promise a successful result. If it prove so, the ultimate effect must be to lower the price of the other journals; an effect which has been produced in Paris by like means.

The post-office arrangements, as well in London as Paris, are very incompatible with the objects of the press. The delivery of letters, arriving from various parts of Europe, taking place generally in the morning, the mails are so regulated in both capitals as to arrive from all, or almost all, quarters between three and six in the morning. The letters and dispatches which they bring are of course not distributed until it is too late for the daily papers. Under these circumstances, the journals of both countries have been compelled to organize a system of expresses. There is, in both cases, a common express, in the expense of which the leading papers unite, running daily each way between the two capitals. By this means, although a letter sent through the post office, either in London or Paris, is not delivered at its destination until thirty-six or forty hours after it is posted, yet the journals of the one capital are transmitted to the other frequently in half that time.

Besides these expresses in common each of the leading papers has a special express for its correspondence when occasion requires it.

The Paris correspondent of a morning paper is a functionary scarcely inferior in importance and responsibility to the foreign editor. It is his duty daily to take a general view of the news, and the

editorial comments of the Paris press; to get translations made of important articles, and to prepare a foreign leading article, to be ready for insertion on its delivery in London. He receives all that portion of the continental correspondence which must pass through Paris on its route to London. In this is included the entire of the south, south-east, and south-west of Europe. The correspondents of the paper located at Madrid, Lisbon, Bayonne;—in Switzerland, in Italy, in Greece, Egypt, Syria, Malta, all address their letters to the Paris correspondent; who condenses them into an article, which he forwards by special express, together with the original correspondence itself, to London. They reach the office in London on the night after they are dispatched from Paris, and appear in the journal of the following morning.

The Paris correspondent is recognized at the different government offices in that city. As the ministers are generally willing to stand well with the London press, every reasonable facility is given to him to collect the early information which he seeks. If, as sometimes happens, the journal which he represents be opposed to the existing cabinet of the Tuilleries, then he attaches himself to some one or more leading members of the opposition, who having probably been formerly ministers, easily find indirect means, through the secret intervention of subordinates, and by the influence of money—which the correspondent can generally command when its application is beneficial—of obtaining the desired supply of information. It is known, however, that both M. Thiers and M. Guizot are each of them represented in the London press; in other words, the Paris correspondent uses them and they use him.

A peculiar mechanical difficulty is just now beginning to be felt by the London daily press, and from its nature will be more and more embarrassing, until an expedient is supplied by human ingenuity to surmount it. We have already explained that the chief work of the paper, in almost all its departments, is done between seven in the evening and six in the morning. After the foreign expresses have arrived, which they usually do about midnight, and the last relay of reporters have brought in and written out the report of the close of the debate, and the division, the last portion of the paper is composed, made up and put on the galleys. All is now ready for printing. It

is four o'clock. The circulation of the paper, say the "Times," is twenty-four thousand. The press can do this in four hours, that is to say, by eight o'clock. The produce of the first two hours' work is dispatched in bundles to the various railway stations, for country circulation. The later portion is reserved for London. But what is to be done if the progress of intelligence or the reduction of price produced a serious augmentation of circulation? The latter principle has been brought into operation in the case of the Daily News, the circulation of which is said already to have reached twenty thousand. Suppose, as is very possible, it shall attain forty thousand; how is the demand to be met by a machine which cannot work off more than six thousand copies an hour, and must complete its work in about four hours?

This difficulty admits of only two methods of solution. The matter of the journal may be set up in duplicate in type, so as to be worked simultaneously by two presses. Against this expedient there is more than one practical objection. The expenses of the printing-office would be at once doubled by it. Besides, there would be some difficulty, if not impracticability, in getting this duplicate composition of type effected with the necessary expedition.

The second expedient would be, to obtain a cast or stereotype of that which is originally composed in type. But no method of stereotyping yet discovered, is sufficiently expeditious and perfect for this purpose. The method of transferring the printed page to a surface of zinc is excluded, because it will not admit of being printed by any but a lithographic press, which, in the present case, is inadmissible.

In short a great reward will be obtained by the first ingenious inventor who will contrive a method of producing, with the necessary expedition and perfection, a duplicate of the galleys of a newspaper, either by stereotyping, or by any other practicable means.

Those who tranquilly glean information and amusement from the broad sheet of a morning Journal, as they sip their tea and consume their rolls at their comfortable breakfast table, seldom consider the pain of body and mind which has attended the partition of that vast amount of intellectual matter spread before them. "A London newspaper," said Lord Lyndhurst at a late public dinner, "is a

volume—a volume of no trifling magnitude—and that volume the production of a single night!" This was a short and pregnant description. Among the various labor which it involves, there is perhaps none more wearing to the mind than that of the chief editor, and yet, except in the leading Journals, this labor is but inadequately rewarded. The reporter has his task prescribed. His materials are prepared; he has only to work them up. If the speeches be dull he is not expected to enliven them. If argument be wanting, he is not expected to supply it. But the editor, night after night, from week to week and from month to month, in season and out of season, in spite of the anguish of private misfortune, in spite of personal indisposition, in spite of bodily and mental exhaustion, is expected to pour forth original or quasi-original reflections and observations, and to fill a certain number of inches of newspaper column. Often, in his despair, he is inclined to fall back on the heap of matter collected by his sub from the correspondence. But alas! this, in general, proves to be sorry stuff. He cannot in very shame venture to fatter it. Yet one or two "leaders" must be furnished, and if the passing events do not supply a suitable topic, one must be made, or an old one furbished up. He sits then the livelong night, waiting the arrival of the foreign expresses, and to comment on the *slips* supplied from the reporter's room. At length four o'clock strikes. The galleys are arranged. The printer takes the helm, and the editor, with heated blood, flushed temples and aching head, seeks his home, and gets to rest about the period when his fellow-creatures generally are about to rise.

Journalism, in France, the only other country in Europe where the press can be said to be free, is carried on in a different spirit from that which animates it in England; and certainly no French newspaper can, as an organ of public opinion, be for a moment compared with the leading Journals of London. If the Paris paper be inferior to the English in this respect, they are infinitely more so as vehicles of intelligence. The vast machinery for the collection of news, kept in constant operation by a London morning paper, is altogether unknown to French Journalism.

There are a greater number of newspapers published in Paris than in London. Probably, also, a greater number

in France than in England. The individual circulation of the French papers is also, on the average, greater than that of the English Journals. Yet notwithstanding this the political influence of the English Journals is incomparably greater.

The general staff of collectors of intelligence being much less in the case of the French Journals, and the rate at which their editorial writers and political contributors are paid being much lower, the capital necessary for the establishment and management of a Journal is proportionably less. It is not the practice of the commercial community to use newspapers as means for advertising to so great an extent as in England. The revenue of a French Journal is, therefore, very much smaller than even of a third or fourth rate English provincial paper. All these reasons conspire to prove how much less important and influential an agency is a French than an English newspaper.

Nevertheless, there is and has been great ability displayed in the editorial columns of the Paris journals. They have numbered among their contributors some of the most eminent names which are found in the annals of France for the last half century. Until his accession to ministerial power, *M. Guizot* was a writer for the columns of the *Journal des Debats*; and if he do not, even now, supply a portion of its contents, it is not because he is above such a task, but because the duties of his office engross his time to the exclusion of literary labor. *M. Thiers* was originally a leading writer in the *Constitutionnel*, and finding that journal too much trammelled by its party ties for his purpose, he established, in connection with the celebrated and much lamented *Armand Carrel*, the *National*, which still continues to be the organ of the most liberal section of the Chambers.

The power of journalism in France, is in a great degree frittered away by the multitude and minuteness of its divisions. Each paper is the organ rather of individuals than of parties. Thus, if you ask what principles the "*Journal des Debats*" advocates, you will be answered that it supports the Duke of Broglie and *M. Guizot*. Ask what party is represented by "*La Presse*," and you will be told that of *M. Molé*. Ask what doctrines the "*Constitutionnel*" supports, and you will be told that it promotes the return of *M. Thiers* to power. Ask what are the principles of the "*National*," and you will be

answered those of *MM. Odillon Barrot*, *Dupont de l'Eure* and *Arago*. Ask what the "*Epoque*" professes, and you will learn that it is the personal organ of *M. Guizot*.

A stranger, unconnected with French politics, and reading dispassionately these journals, will find himself at a loss to discover any substantial difference between them. The columns are filled with the names of their friends and their opponents, until they tire the eye. But few great principles of government or legislation are discussed.

The magnitude of these journals, and the actual quantity of matter they contain, are on a scale commensurate with the minuteness of the sections of the political community which they represent. It is no exaggeration to say, that there is frequently as much printed matter in a single number of the "*Times*" as in all the journals of Paris put together.

The price at which these papers are sold is on the same relative scale. The common annual subscription for a daily paper, (published also on Sundays,) is forty francs, and some are even less. This is at the rate of about two cents per copy, being nearly the same as the ordinary price of the journals of this country. But the French journals are subject to a stamp duty, which slightly varies with their magnitude, but may be stated as equal to one cent. Therefore, their actual price is the same as that of the *New York Sun*, the *Philadelphia Ledger*, and other papers of that class.

The English journals are subject to a stamp duty of two cents, and their ordinary price is ten cents. Exclusive of the stamp, they are, therefore, four times more expensive than the American, and eight times more costly than the French journals. In this comparison, however, we omit the consideration of the quantity of matter they contain.

The power of journalism is, therefore, more concentrated in England. It is more a question of measures than men in London—more a question of men than measures in Paris. He who desires to be informed of public events in Paris, must go to a *Cabinet de Lecture*, and look at a dozen little newspapers, and, after all, events of the greatest importance may be passing, of which not one of these journals, nor all of them together, will give him information. In London, he has one of the leading morning papers on his breakfast-table, in which he knows that

he will find every current event of importance noted, and frequently coming events clearly and distinctly foretold.

This relative condition of the Press in the two countries is easily explained. In England freedom of speech and publication is of old date. The Press is an institution of long standing. It has grown with the growth of the British Constitution, assuming, from age to age, and even from year to year, a more and more important and influential position. It is, and has long been, part and parcel of the State. The long consciousness of its freedom has taught it discretion in the use of it. True, this power, like all others exercised by human agents, is abused; but happily the abuse of journalism among newspapers in England is about as exceptional as the abuse of personal liberty among individuals. In France, on the contrary, journalism dates from the Revolution, and scarcely even from that, for it was laid in a trance, in a state of *coma*, during the Consulate and the Empire. And during the Restoration, its power was scarcely existent in a wholesome condition; and even since the Restoration, has not the Government of the Barricades, wisely or not it boots not here to say, enacted laws which place journalism in France in a condition very different indeed from that of the British or American Press? Still, however, there is a reasonable degree of freedom, and perhaps as much as the public is capable of bearing.

Perfectly free journalism cannot safely be tolerated if not accompanied by a corresponding freedom of public discussion. The fierce passions raised by the Press must have a vent. The right of public meeting for the legitimate discussion of political questions; in a word, the right of petition and of all those acts necessary to effect the objects of petition, is inseparable from the perfect freedom of journalism. The one without the other would be attended with danger. But in France the legislature in its wisdom, moved thereto by the Cabinet of Louis Philippe, has judged it necessary to the well-being of the State to annihilate the right of public meeting. This was accomplished by the laws of September, which followed the Fieschi catastrophe, and of which M. Thiers was the author. More than a certain very limited number of persons cannot assemble for a political object in France without incurring the dire penalties of the law. Under such a system freedom of the Press is a delu-

sion, a mockery, and a snare. It will take another half century for the French Press to acquire, by its proper and natural growth, that vigor to which the English Press has attained, nor will even that period bring it to maturity, unless the nation advances sufficiently in its constitutional growth to force on its government the repeal of those laws which at present deprive the people of the right of public meeting.

The Weekly Press of London comprises the best and the worst of Journalism. It has no parallel in the journals of other countries, so far as we know. None, certainly, either in France or America. The most polished, witty and elegant newspaper composition extant, is to be found in the columns of the "Examiner." This paper owes its high reputation to the talents of its distinguished proprietor and editor, Mr. Albany Fonblanque. Its politics are of the highest tone of liberalism. It is eminent for the integrity and consistency of its conduct, and for the gentlemanly spirit in which its polemical articles are penned. Its reviews in literature and the drama are spirited, and, in general, just. The dramatic portion, however, is obnoxious to the charge of very glaring favoritism. Though this is no doubt dictated by friendly feeling towards an individual well worthy of esteem, yet it should be remembered that the undue and preposterous exaltation of one artist operates injuriously on those whose unfavored merits are passed over in comparative silence.

We have thus endeavored to present our readers with a view of the European Metropolitan Press. We have forbore to make comparisons, or even allude to our own journals. From many of the defects attending the Press in Europe, we are exempt, not because we are less prone to error, but because the same causes do not operate here. In like manner the necessity for the same complicated and expensive machinery for procuring information does not exist with us. This observation more especially applies to the department of foreign correspondence. Nevertheless, something has been done in this way among our journalists, and some of our papers have now regular correspondents in several parts of Europe.

The peculiar circumstances attending our general government and the location of Congress renders our system of parliamentary reporting different and of subordinate importance. In all great popular

meetings, however, where speakers of established reputation have been expected to appear, reporting has been conducted in a manner not at all inferior to that of the best journals of London.

But the cause which must for ages to come at least keep the American Press below those of England and France, is to be found in our very political institutions themselves. We have not, and so long as our institutions continue cannot have, that centralization to which the press of England and France owes its importance. If, instead of London, with its two millions of inhabitants, its unbounded wealth and unparalleled commerce, England possessed half a dozen or a dozen little Londons, each claiming equal consideration, where would be its *TIMES*, its *CHRONICLE*, or its *POST*? If, instead of Paris, with its million of in-

habitants, its royal palaces, its museums and libraries, and its thirty thousand foreign visitors, France had a little chief city in every department, having its own legislature, its own government and its own Press, where would be the *DEBATS*, the *CONSTITUTIONNEL*, the *PRESSE*, and the *SIECLE*? Instead of these we should have had some dozen or so of *Times*' and *Chronicles*, in England, and equally numerous *Debats*, and *Constitutionnels*, in France—none rising beyond the importance of a provincial journal.

Whether the absence of centralization, which is inseparable from our system, is in itself a social benefit or not, is not here the question. Be it for good or for evil, so it is. Without centralization we cannot have those powers for the very existence of which centralization is indispensable.

HAWTHORNE.*

It has been insinuated that the vice of our national temperament is exaggeration—exaggeration in everything—in the modes of thought and expression as well as of action. We say, insinuated—for of course no one could be rude enough to have roundly asserted such a thing in the teeth of our Patriotism—since, of a verity, whether Patriotism have teeth or not, it certainly carries fists. We are not pugnaciously inclined, only we are tender-hearted. We are aware that Jonathan has faults, and that perhaps there might have been times

“When the mountain winds blew out his vest,”

but then the *Amor Patriæ* has been so strong within us as to have always sent our heart into our throat, choking down our words of rebuke or indignation. What right have we to be indignant with

“This our own, our native” &c.,

since “our country, right or wrong,” has become even in the immaculate politics of the day a favorite countersign? We feel ourselves called upon in honor to repudiate the insinuation with regard to exaggeration, and we accordingly do

so with indignation! What! admit that the great and glorious Sovereigns of this “great country” are given to so undignifying themselves as to glory in doing the “tallest walking” and tallest talking that ever yet has been done under the sun: think of what their *Loco Foco* majesties would say to such impertinence! Strength is magnanimous and youth is modest: any inuendo—however sly—to the contrary notwithstanding, we do assert triumphantly that our Democracy is both strong and youthful! and we necessarily hold in proper contempt that malapert taste and finickling Conservatism which will persist in taking on airs and turning up its nose on certain occasions. As, for instance, when the Sovereigns choose to amuse themselves with boxing thunder-snags, swallowing greased lightning, or drinking the beds of rivers dry, these Conservatives get up a maudlin sympathy with the cat-fish and alligators which are necessarily drawn in because they flirt their caudal extremities imploringly toward the stars as they disappear down inexorable gullets—what absurdity! This is scarcely less dignified than the flouting and foolish incredulity with which they regard those eminently classic contests between that modern Centaur, “the

* “Mosses from an Old Manse,” by Nathaniel Hawthorne. Wiley & Putnam: 1846. “Twice-Told Tales.”

Half-Horse and Half-Alligator" and some Feline Lapithæ—known in the vulgate as Wild-cat or Panther! Pshaw! the "un-terrified Democracy!"—what can it not do? To be sure we have heard *liberal* Conservatives say—"never mind these little eccentricities—Democracy is a Young Giant and these fantastic exhibitions are quite natural; they are merely the impulsive outbursts of that deepening consciousness of boundless strength and power which in young blood is so apt to express itself riotously." *Liberal* Conservatism here speaks from the heart; and as we happen to belong to a "Progress Party," of course we coincide. In doing this, our Patriotism must be permitted the remark that it is done *in terrorem*! We can assert that we are patriotic! We have said that we strictly repudiate all "insinuations" with regard to the vices of our national temperament—and so we do emphatically! but then it unfortunately happens, that however much we may repudiate and quietly contemn, we cannot reconcile everybody else to the same course. Jonathan certainly has a right to utter what he pleases in self-gratulation—and the Mississippi men to swallow whatever they choose to swallow in a way proportioned with the largeness of their territory and of their throats; but then neither of them can help it, nor should they care what Foreign flippancy might say concerning them. Of course everything that might be said in this connection would be the result of the sheerest prejudice and necessarily entitled to the smallest consideration. We are obliged to confess to the existence of an Order—alert, sharp-witted and relentless—which we suspect to be that of the "Old Assassins" *redivivus*—who have exchanged the dagger for the pen—whose Mecca is "the city of the crags," and whose latest Prophet has been surnamed *Christopher*, "the old man of the mountain," with a bald head and an undimmed glitter in his eye!—which Order has forced itself upon our attention of late.

With the gusto of a Frenchman hunting frogs for his breakfast they go about seeking whom they may impale in obedience to the fierce mandate of their Prophet or of "Punch;" but we deny that this formidable association has for us any terror. We can readily perceive how they might become fearful to us in the event of our exposing a vulnerable side to the thrusts of their fatal wit. We

can see with what a devilish glee they would put in their blows, and how they would exult to see the thick-skinned Republicans writhe. We say we can perceive how all this *might* be if they could only find the weak points; as, for instance, if we had only in reality made ourselves ridiculous by exaggeration, &c. They have attacked us as in duty bound, and as a matter of course whether or no; but we are proud to remark that as yet their assaults have been attended with no fatal results. They have talked a great deal, to be sure, about the calmness and dignity of oratory on their side, and what they call the rant, fustian or flummery on ours. This is too harmless to kill anybody, for every one sees that it is merely a prejudice entirely worthy of John Bull's thick-headed Sawney. Here, indeed, an officious person with an intrusive memory might be induced to make mention of the late Messrs. Chipman and Martin. The late Messrs. Chipman and Martin indeed! We rise with every hair upon our head bristling, "like quills upon the fretful porcupine," with indignation to resist and repudiate the shameless implication. What! Chipman annihilated? But we will be calm. We are happy to be able to say that those gentlemen are still alive with every prospect of a green old age before them. Chipman annihilated! O tempora! O mores! Think

"—— what it is to slay
The reverence living in the minds of men's

for mighty names. You may tell us that the eternal hills shall fail—that some Yankee has tamed Niagara and harnessed it to a pin-machine. You may even tell us of Mr. Polk's sagacity or of Mr. Buchanan's honesty, and we can hear you; but spare us the insinuation that the fame of Chipman can ever be annihilated by Time himself—much less by the pen of a paltry Scotch wit. Chipman! Colossus among the Colossii of Democracy! he stands sublime like one of the monarch oaks of his own great West, the physical embodiment of that rude energy, "wild above rule or art," which is rampant in our halls—that modulated fervor of patriotism which

"Tears the cave where Echo lies"—

that "Native" independence and originality of style which scorns the petty trammels of grammar—that lofty, self-

reliance which ridicules and "hates education as unfriendly to Democracy"—in a word, of that gutter Democracy itself, which battens upon the offal of power, of ignorance, of lust; and which lately, in the Capitol, "uttered such a deal of stinking breath"—"rank of gross diet"—in abusive defiance of the unoffending British Lion, "that it had almost choked" the Royal Brute! Such is Chipman. Chipman forever! Years cannot take away from his fame, nor can decay reach him. Historians! ye sentinels of the ages! nib your pens anew, and be prepared to freight your records with this most precious dedication of the nineteenth century—the name of the Chipman Democracy—the enemies of Education! Oh, for some new Homer to paint the Achillean wrath of their great champion, while he launched the heavy thunders of his denunciation against the spread of enlightenment, and how

"The rabblement hooted and clapped their chapped hands and threw up their sweaty night-caps"

in applause! As for Martin—"the eagle pinion of our fancy" flags—he is the peer of Chipman; as such we will leave him for posterity. We have felt it to be our duty, and have done our best, to apotheosize these great men; but there is a serious and solemn reflection it becomes us to make in this connection. What a spectacle of indecorum, of hardy shamelessness, on the part of the Wits of the day, does this attack upon such exalted names as those of Chipman and Martin afford! Just think of it! Two illustrious M. C.'s embodying and expressing, in their own high and mighty persons, the sovereignty of a vast constituency—whose souls must, therefore, necessarily be thrice compounded essences of all that is sovereign—have been impudently attacked, we may say profanely assailed with attempts at open ridicule, for words spoken beneath the sacred shadows of the Capitol. Sacrilegious impertinence! Have these rash individuals forgotten that there is a "divinity which doth hedge about" the seats of Power; and are they not dreading the exterminating splendors of its port and presence? Where is that wholesome awe of "Circumstance" and "Place" which in well ordered societies should shield their mysteries from the licentious gaze of the vulgar? Gone! gone! we fear—

"The odds is gone,
And there is nothing left *respectable*
Beneath the visiting moon."

Dreadful consequences may be expected from this degree of license. What name will be sacred, since

"The ingrained instinct of old reverence" has been thus outraged and violated? What character or fame will be held sacred by these malignant Wits? We should not be at all surprised if the next thing were, that we should hear some one of them intruding his antic quips and quiddities into the grave, severe stillness of the Senate—the very penetralia of Power. Think of such a wag presuming to say, concerning that present proverb of zephyr-like mildness and urbanity, Mr. Allen of Ohio, that he had

"Roared me like any sucking-dove,"

since Mr. Crittenden exorcised the fiend which had possessed him, or—otherwise spoken—had taken the stiffening out of him. Or imagine him insinuating that the rotund and rubicund proportions usually associated with the name of Mr. Cass, were merely a "Blue-Light" quiz, and that so far from being one of those "men that are fat," and "sleep o' nights," this

"Cass-ius has a lean and hungry look."

Or hear him asking, with regard to that "vote of thanks" with which our noble little army was *rewarded* for its gallantry through "the two days" upon the Rio Grande,

"Is *this* the balsam that the usuring Senate Pours into Captains' wounds?"

Or, with audacious memory quoting, in reference to the sputtering "*Hero*" who offered that resolution,

"That such a slave as this should wear a sword!"

or,

"None of these knaves and cowards but Ajax is their fool."

Or, after the scourge of "the Union" had been applied to the backs of Brinkerhoff and followers, hear him with insufferable bombast addressing them in the language of Coriolanus to his panic-stricken troops—

"Pluto and hell,
All hurt behind: backs red and faces pale!"

Or—what would no doubt bring earth

and heaven together—applying to Mr. Polk the remark of a witty contemporary about a certain Duke of Orleans, “who, with the courage and moral energy of a hen, was exceeding ambitious of conducting great affairs.” Just conceive, if you can, what a panic in “high quarters” such libertinism of the tongue would get up! and especially if our pernicious wag should put into the mouth of Mr. Webster, in speaking of the symptoms of asinine awakening which followed his eloquent “*réveille*” of the “stunned dumbness” with which McKay’s Tariff Bill was received in the Senate—

“Then I beat my tabor,
At which like unbuckled colts they pricked
their ears,
Advanced their eyelids, lifted up their
noses,
As if they smelt music”—
the

“Quick rousing music of live eloquence.” But if the memories and weapons of the Wits are to be regarded with apprehension by those in the high places of the land—if they be capable of producing such a flutter amongst those who are fenced about by the cordons of power, how much greater consternation would be caused should their wheeled batteries enfile the defenceless ranks of our youthful Literature. The poor authors! Defenceless as the callow broodlings of the barn-yard caught by an early frost! They have no great Corporate Assembly of dignitaries—favorably inclined toward “*sauvages*”—who will rise in bristling sympathy, to visit upon the unlucky Wit the denunciations of their united wrath, for any attack upon any individual member which they may construe into a reflection upon their whole Body. No; the forlorn scribbler must fight it out for himself! Each one must stand behind his own buckler, and trust to his own good right arm. As to what might be the result of any such contests we feel entire confidence. We ourselves have no doubt as to the puissance of our “Native *Literateurs*.” Not alone of their capabilities to defend themselves; but we hold their reputations in the world of Literature to be, of course, *so entirely immaculate* as to leave no hook to hang a doubt upon, or in other words, no room for assault of any kind.

But then, as we have hinted, the murderous malignity of this “Order of Pen-assassins” is not to be calculated or counted upon. Who can tell but that

some one of them may be found to cruelly insinuate, that our literary men singularly lack the universality of Genius—that from the general proneness of our national temperament to exaggeration, they have a curious propensity for taking the bit in their teeth; and like wild colts, first backed, dashing under the lead of a single idea in *medias res*, which means—being interpreted—into confectioners’ booths, overapplewomen’s stands, through the glass doors of china shops, or any other way their passionate noses may lead them. Now this is what all tradespeople, gouty citizens and old women, would call a nuisance. We, on the contrary, would call it an eccentricity, such as the peculiarly impassioned character of the National genius should lead us to expect, and simply say to the apple-woman: Pshaw!—stand out of the way!—let the “Young Giant” do the thing up after his own fashion! He is heady of course; but *remember his age*—that he is “a Native,” too! This would, no doubt, be satisfactory to all patriotic apple-women, &c.; and they would agree to stand out of the way, but then, the poor, simple creatures would be so sadly puzzled to recognize which of them was “Native” among the many who, like a

“Jove blinded by the glare of his own bolts,”

go by them in erratic thunderings. Our sympathies are enlisted irresistibly. It becomes a question of utility: Who are these disturbers of the peace? Are they “national in any distinctive attributes of nationality, which entitle them to any claim upon our patriotic forbearance? Do they fisticuff with thunder-snags—swallow oleaginated lightning—deglutinate rivers omnivorously—or antagonize Felines?—if they do not why are they called “Native Authors?”

Feats of this kind are said to be the only ones for which we are peculiarly distinguished in any eminent or characteristic degree. But we have repudiated this as a vile slander. It is plain as the nose on a man’s face, that our authors are “Natives,” because they were born so! Do they not write on paper of domestic manufacture? with quills plucked from geese “to the manor born?” What more is necessary to make genuine Natives of them? They certainly use the language of a foreign country—but as certainly they use it originally. Who ever heard the proposition on the tongue of an

Englishman to swallow a live alligator whole, unless it got there at second-hand? And we dare assert that no Englishman ever vaunted himself upon a mutually serious collision with a thunder-storm! We are not disposed to crow over John Bull in view of our superiority in these trifling matters; all we have to say to him is, to request that he would address us in a more deferential tone hereafter. As for those little coincidences of thought, style and treatment which he arrogantly asserts to exist between his literature and ours, we have merely to remark that "accidents happen in the best of families!" We are in common the children of Shakespeare and the Bible—of Nature and Revelation—and a family resemblance is to be expected. We assert roundly, that our authors are, on the whole, eminently original—particularly in their manner of stealing. Nothing could be more refreshingly cool, or entirely Yankee, than the manner in which the deed of appropriation is done by those few dashing and high-handed Buccaneers, who have undertaken to practice it for the benefit of the literature of "the Model Republic." We say 'few,' because there are few, of course, who possess the requisite gallantry, or elasticity of conscience; but the spirit and hardihood which they display, we are almost tempted to recognize as palliative of the sin. There is a virtue in sinning magnificently, which is at once dazzling and imposing; and in this said splendid virtue Jonathan has certainly led the way, through an astoundingly brilliant series of achievements: Defalcation—Repudiation—Bankruptcy—and the writings of a certain great "Original Translator," who now "occupies the throne of our Native Literature!" Why not? Can't he translate like a Native, as well as do anything else so? Herein lies the joke. He literally does it as no one but "a Native" could ever have dared to dream of doing—he literally translates, *i. e.*, carries over to his own pages the thoughts of others. But it is in the consummate boldness and dexterity with which, after having modified them to suit his own purposes, he manages to be attacked by a timely fit of such sudden obliviousness, that he is necessarily prevented from acknowledging any obligation, that the genius of the "Native" shines forth in the ascendant! This is as it should be. We would not be proud of him, nor would he be worthy of the "Native throne" to which we have elevated him, if the deed

of appropriation were not ably done. Our inexorable activity and hyperbolic taste can stand *anything* but the vulgarity of tameness. Act! act! any way you please, so you do not insult us by acting the Commonplace. If you want to steal—steal! so you have a way about you—so you do it with *prestige*. This might be called in some quarters not exactly the most straight-laced creed that could be conceived! but what does Democracy care for straight-lacing, or any other sort of lacing? it has long since declared that the invincible limbs of the "Young Giant" have shaken themselves free from fetters of every kind. Your old-fashioned

"Stipulations, duties, reverences,"

are to it a by-word and a mockery. It is certain we owe a great deal of a peculiar kind of progress in the appropriative department of our literature to the energies of this Democratic scion of the Titans. Furthermore, apart from these secondary considerations, it might be insinuated that there is in our literary characteristics a remarkable want of Repose—that highest expression of masterful strength, without the dignifying presence of which the activity of great energies is apt to degenerate into riotous or one-sided careering. Now, Jonathan would be likely to laugh heartily at this, and tell us that the most reposeful animals he knew were a fat sow and a portly alderman; and he would, no doubt, ask you, with thumb to nose, if you were sappy enough to expect that he, the Genius of go-a-head-iveness, should degenerate into "one o' them"—and Jonathan is right. What is the use of any body becoming a sow or an alderman "with a roasted Manningtree ox in his belly?" As for

"That collected calm which sometimes Make it a stillness on the great man's brow More awful than the pause of gathered storms,"

we judge he would tell us that "great men" are *generally* sleepy, particularly after dinner! The fact is, Jonathan, on the whole, had as well be set down as incorrigible; for preach to him and of him as you may, he will after all do as he pleases in the end.

It must be confessed that, taking the propensity for exaggeration, along with the want of universality and inclination to ride a runaway hobby, together with the "consummate manner of stealing," the hyperbolic taste, and the want of repose, and putting this and that together,

we have made out a pretty little list of the assailable points in our Native literary character. We are not to be mistaken for a spy in the camp, who is pointing out the weak places to the enemy—the Wits—for we have said that these imputations were merely imaginary; if they were not so, we should have all sorts of impertinences tilted at the heads of our unfortunate authors, by some snarling quotation-monger—some literary “old clo’ man,” who vends second-hand wit! How shocking it would be, for instance, to hear him repeating, clear through, word for word, to “our most distinguished Novelist:”

“Thou wilt quarrel with a man for cracking nuts, having no other reason but because thou hast hazel eyes: what eye but such an one could spy out such a cause for quarrel? Thy head is as full of quarrels as an egg is full of meat; and yet thy head has been beaten as addle as an egg for quarreling. Thou hast quarreled with a man for coughing in the street, because he hath awakened thy dog that hath lain asleep in the sun!”

But as he would get himself “sued” for his impertinence, of course he wouldn’t say it. Or, think of him addressing another, the glorious promise of whose prime has been wasted in the fierce guerilla wars of egoism for notoriety—whose ambition, in its insane aspirations for the Unattainable, has so intensified its own action, that the results are scarcely more than the little end of nothing whittled down to a point:

“Thou hast affected the fine strains of honor,
To imitate the graces of the Gods—
To tear with thunder the wide cheeks o’
the air—

*And yet to charge thy sulphur with a bolt
That should but rive an oak!”*

Would there not justly be something *Raven-ous* in the indignation with which the malicious taunter would be met, and probably “Dun brown.” Or, hear him saying of another, who, because the graceful felicity of his style is only equaled by the exquisite manner of the man, therefore is regarded with plebeian envy. This is

“A courtier extraordinary, who by diet
Of meats and drinks, his temperate exercise,
Choice music, frequent baths, horary shifts
Of shirts and waistcoats, means to immortalize

Mortality itself, and make the essence
Of his whole happiness the trim of courts.”

We can imagine the dainty wrath with which the “courtier” would seize “i’ twixt his finger and his thumb,” with his white gloves the nearest missive, perhaps a vol. of his own “Sacred Poems,” as the heaviest, and drop it on the head of the vulgarian insulter, who had thus intruded “between the wind and his nobility.” Or of another—the redoubtable Reviewer—the Goliath of the Gath of Changelings—who, from a constitutional inability to see but one thing at a time, and that only when it is directly before him, has done nothing all his headlong life but

“Renage, affirm, and turn his halcyon
beak
With every gale and vary”

of passion and interest; and but now has made his twentieth, last, “MOST CATHOLIC” “vary.” Should he quietly rank him among

“Those mighty actors—sons of change—
Those partisans of factions often tried—
That in the smoke of innovations strange
Build huge, uncertain plots of unsure
pride;
And on the hazard of a bad exchange,
Have ventured all the stock of life
beside?”

would he not most probably bring down upon him a certain “weaver’s beam,” in an exterminating blow? Be this as it may, it must be confessed that we have sadly lacked in our Literature men who were men, universal men, strong enough to be calm—clear-eyed enough to see whatever of truth was presented, and, necessarily, wise enough to be unselfish, and

“To live as if to love and live were one.”

Such men never sink their individuality in partisanship—they walk apart in the high places of thought, which are lifted up and clear above the dust-clouds of the arena where vulgar struggle is held. Their mission is not to throttle their fellows for the glory of a particular ‘ite,’ ‘ism or creed—but to coolly overlook the contests of those who conceive theirs to be such a mission, and through all the frothy fluster, the clamors, the bitterness and bruising, recognize whatever there may be of truth in each, and quietly teach it to the world in their own way. Such men are the true conservators of progress—“the little leaven that leaveneth the whole lump!” They are the highest “Con-

servatives"—though they never mingle with politics—for they not only recognize what is and has been, but what *is to be!* Now Jonathan, as a general thing, feels a decided contempt for 'what has been'—he never saw it, smelt it, felt it, or *made anything out of it*, and that is sufficient! "Go ahead and no mistake!" is his motto, and go he does! That Jonathan has gone ahead to some purpose, too, we need only refer back to the magnificent language in which Messrs. Chipman, Martin, Sevier, & Co., so signally cowed the British Lion! They could never have done it but that Jonathan had got ahead "considerably!" But at last there is a medium in all things, and we would merely submit whether, if Jonathan had only listened to "Conservatism," of whatever kind—either political or literary—he would have found himself in such a "snarl" as this in which he is at present involved?—whether he might not have avoided a disgraceful Mexican war, a ruinous McKay's Bill, and an empty Treasury? But we suppose, until his "go-ahead" hurry to consummate "Ultimate Destiny," "Free Trade," and "a Hard money Currency," has brought him up all flat upon his back some half-dozen times more, Jonathan will be inexorably deaf to anything that may be said about "Conservatism." In the mean time, as our Journal has nothing else to do, we mean to keep quietly on in preaching it, and in heartily recognizing it wherever we may find it!

It happens that we have not only found Conservatism, but a good many other things we have asked for, in our national literature, expressed through the pages of Nathaniel Hawthorne; and as he is an old acquaintance, and of somewhat retiring habits, withal, we propose introducing him to Jonathan. It is not probable that he knows much about him, except through his proverbial faculty of "guessing;" for we are very sure, if he did, Jonathan would be in something less of a hurry about accomplishing the "Ultimate Destiny," and his younger brethren of the Mississippi would certainly be more disposed to spare their alligators the horrors of being swallowed alive, at least! As for Messrs. Chipman, Martin, Sevier & Co., we can only say that their *emphasis*, on a future occasion, might perhaps be improved by an acquaintance with our friend. Not that we by any accident ever saw him, or can tell the color of his hair or eyes—but our friend as we have learned

to know and love him through his books! We don't mean to say that Nathaniel Hawthorne is necessarily a "*nonpareil*," and therefore above or beyond any body or thing else in all the land! We distinctly say that there are many of our 'Native' writers who, in their particular departments of thought and style, surpass him—or rather any particular effort of his—in their chosen and practiced line. It would be ridiculous to say or think otherwise; for the great fault we have to find with our Authors is, not that they lack earnestness or purpose, but that they have been too apt to dissipate both in a rash and heady intensification of their energies upon subjects not sufficiently universal in interest, and which, in view of results, might have been more wisely treated under many modifications. But we do say, quite as distinctly, that taking the plain level of results aimed at and ends accomplished, our author covers the broadest and the highest field yet occupied by the Imaginative Literature of the country, and deserves to be set forth, in very many particulars, as "the glass of fashion and the mould of form" to those who are to come after, at least! To be sure, an officious wit, such as we have before endeavored to rebut, might be found, with the hardihood to say that he might do for some of his cotemporaries to glass themselves in! But we as decisively as heretofore repudiate any such heterodoxy! We are surely not accountable should he choose to say of our "great Original Translator" that, could he only be induced to study Hawthorne earnestly and faithfully, there might be some hope that the manly self-reliance—the quiet, unobtrusive dignity—with which he asserts himself, and compels a loving recognition of his own peculiar modes, would certainly touch and rouse the innate integrity even of an "Appropriator's" life, until, with burning cheek, he would descend from the "high-swung chariot" of his shame, and be content, like any other true man, to trust to his own ten toes—which, by the way, are good enough in themselves, and have carried him gracefully through the windings of many a "soft Lydian measure!" Or if he should point "our most distinguished Novelist" to the fine satires of Hawthorne, in which he has lashed the vices of his countrymen and times with unequalled keenness and effect, and yet has handled his cat-o'-nine-tails of scorpions with such exquisite dexterity and

benevolent humor, that even those who winced and suffered most have been compelled to smile and look in his eyes, that they might drink out healing from the Love there. And when he had read and read, should the Wit just say to him (the Novelist)—assuming to speak in the character of Hawthorne—

“Pray be counseled!

I have a heart as little apt as yours;
But yet a brain that leads my use of anger
To better vantage.”

Perhaps this would only be adding insult to injury; and he would get “sued for libel!” Or should he say to that “modern Prometheus,” who has swallowed the fires he stole from heaven for his Race, and now, as the molten hell goes scorching through his veins and is burning up his heart, writhes—like a thunder-smitten Titan—with blasphemies “Rest! rest! thou must have rest! Thy life is overtasked! Wouldst thou but go aside with Hawthorne, to his dream-land, and lazily glide with him through its calm waters and enchanted isles, and when the misty sun-light and a soothing undertone, like the prevailing lullaby of summer evening, came with a sweet drowsiness—sleep! Or if this voluptuous glowing of the outward life provoke thy fever, go bathe in the cool, deep freshness of his inner thought, where it lies like tarns of dew in the solitary woods, collected by some fauns in the mossy basins of old rocks—and sleep! ah, sleep at last! and meek-eyed Ministers of Love and Peace and Hope, would come about thee, and woo those consuming fires forth with the persuasion of soft wings, and whisper thee such quiet dreams of the unutterable Rest that the tense chords about thy heart and brain would loosen, and the spring-time flood of a new life gush through thee—aye! and out of that dream would a gentle Purpose and a Joy go with thee—the sad refrain of “*Nevermore*” be faded from thy lips! As for the burley Giant of the “Changelings,” we should not prefer the responsibility—should any such person choose to say to him patronisingly, ‘Go thou likewise with Hawthorne, for a little while, in genial and brotherly communion. Perhaps the placid universality of his mind, like the still lake, reflexing cliff, tree, cloud, and every neighboring shape—which recognizes all things that may be presented to its life, and gives them out with a profusion royal as the benedictions of our mother Nature—may teach thee that Truth wears not one form

alone, but many. If thou wilt but glide with him down the slumberous Assabeth, and lose thyself with him beneath the dark vine-trellised aisles of its primeval forests, thou mayest “take glimpses” down the shadowy vistas, of a warm, flitting, delicate shape. Oh! how unlike to her thou hast been wooing, “as the lion woos his bride,” through many shifting forms, are these fathomless, blue, spiritual eyes that gleamed on thee! ah, canst thou not as well see how unlike “*SHE*” of “doubtful reputation” who “sitteth on the seven hills,” and to whom thou hast lately been affianced, is to this fresh revelation? and that the young lover’s glow of tenderness with which Hawthorne whispers her coy ear, will win the gentle angel first! Canst thou not learn, strong man! that TRUTH comes to us only as an angel or a God? only to minister or to avenge!”

As to aiming these solemn paradoxes in such a quarter, we have said we confess to an inclination to dodge responsibilities—though we must as well confess we think that even “a Courtier extraordinary” might find something in Hawthorne—might find enough in the aroma of fresh-turned mould, of new hay-ricks, of meadow-flowers, which subtly dwells about and interpenetrates his page-picturings—to woo him back from petty frivolities to his old, honored and moss-covered seat “beneath the bridge!” But as for Chipman, Polk, Cass & Co., these great men carry their noses too high for the perfume of our delicate Hawthorne to reach them!

Now, whatever of incidental truth may have been approached in all these invidious contrasts, we must be permitted frankly to say, that we do recommend the study of Hawthorne, conscientiously, as the specific remedy for all those congestions of patriotism which relieve themselves in uttering speeches,

“Horribly stuffed with epithets of war!”

or of that “fine phrensey” which, in huge sentences,

“Dignifies an impair thought with breath;”

and, in other words,

“Rends the blue altitude with Jovian breath;”

for we meekly plead guilty to a sort of loafer-like horror of a “rumpus,” whether elemental or social!

Hawthorne has a fine passage in the introductory chapter to the “Mosses from

an Old Manse," relating to this morbid activity—this vehement and overstraining intellection—concerning which we have spoken so much, as the main and unpleasant characteristic of the age, but more particularly of our national literature and temper. We give it, for it suggests the same remedy which, not we alone, but many far-reaching minds of the day, have felt to be called for, and prayed might come. He says:

"Were I to adopt a pet idea, as so many people do, and fondle it in my embraces to the exclusion of all others, it would be, that the great want which mankind labors under, at this present period, is—Sleep! The world should recline its vast head on the first convenient pillow, and take an age-long nap. It has gone distracted, through a morbid activity, and, while preternaturally wide-awake, is nevertheless tormented by visions, that seem real to it now, but would assume their true aspect and character, were all things once set right by an interval of sound repose. This is the only method of getting rid of old delusions, and avoiding new ones—of regenerating our race, so that it might in due time awake, as an infant out of dewy slumber—of restoring to us the simple perception of what is right, and the single-hearted desire to achieve it; both of which have long been lost, in consequence of this weary activity of brain, and torpor or passion of the heart, that now afflict the universe. Stimulants, the only mode of treatment hitherto attempted, cannot quell the disease; they do but heighten the delirium."

He says, quaintly enough, in the next line, "Let not the above paragraph ever be quoted against the author!" This is a cruel forstalling of the rights of the public, against which we must beg permission to protest. It embodies a grand Truth which it is necessary the men of this generation should see, feel, and have deeply impressed upon their hearts and brains. It is the same great idea at which Tennyson aimed in "the Lotus Eaters," and which has been so nobly illustrated by our American Poet, Wallace, in "Quieto;" indeed, the coincidence with this last is very striking, though the treatment in all three cases is equally original, and constitutes a legitimate variation! It is "tinctured" with far more than a "modicum of truth," as he modestly says, and "thou," Nathaniel! must not be permitted to rob thy needy brothers of what should be to them so precious, could they only but receive it with a wise appreciation of all the deep pregnancy of meaning it con-

veys. This is rather a high-handed proceeding on our part to be sure—something like knocking a man down, and then apologizing! But, in this instance, at least, we cannot help feeling that "the end sanctifies the means"—the brigand's motto all the world over.

Certainly, however much appearances may be against us, we have not meant, in particular, to hurt anybody in all the seemingly invidious contrasts we have given room to above, for we have distinctly disclaimed the responsibility for what ill-natured Wits may have chosen to say—nor have we any intention of partially glorifying Hawthorne. But we do say distinctly that we are very happy to perceive in him something of that breadth, depth, repose, and dignified reliance, which we have, perhaps unrealistically, asked as worthy characteristics of a truly National Literature—as they certainly are of a polished and elegant cultivation. It is very sure, if we ever aspire to any higher rank than that of mere imitators, we must fall back with an entire and unhesitating confidence upon our own resources. All we think, write and say, must be tempered and modified by the *Real*—both moral and physical—around us. We cannot coquette here, alter there, and bodily appropriate elsewhere, from English or any other Foreign Literature, without subjecting ourselves to contempt in the end. Ours must be an honestly American—if it be not too much to say—an Aboriginal Literature! as distinct from all others as the plucked crown and scalp-lock of the red Indian—as vast, as rude, as wildly magnificent as our Mississippi, our mountains, or our Niagara—as still as our star-mirroring lakes at the North—as resistless in its roused strength as the tameless waves which tumble on "the vexed Bermoothes" at the South! Without these idiosyncrasies—unless we are high, free, calm, chivalric and stern—who will recognize us in the outward world? Hawthorne is national—national in subject, in treatment and in manner. We could hardly say anything higher of him, than that he is Hawthorne, and "*nothing else*." He has never damned himself to the obese body of a Party. He belongs to *all of them*! but spurns the slippery cant, and the innocent malignity of expletive, with which each one assails the other. His writings say plainly to the world, "I am that I am!" He has no affinity with the "Cyclopians" of Thought! By the way, how marvel-

ously significant are these old Allegories? The single eye in the forehead, between the Organs of *causality*—not beneath those of observation—how fine a type it is of that gross and narrow "Reason," which despises the angelic attribute of Faith, and finds its warrant for all "ungodliness and worldly lust" in appetite. These are they who are defiling the public morals with the lewd sophistries of a Necessitarian Sensuality, and whose lives are as beastly as their creed, which is that of the "Cyclops Ætnean" of Euripides:

— "to what other God but to myself
And this great belly, first of deities,
Should I be bound to sacrifice."

And who, like him, would willingly forever,

"Lie supine,
Feasting on roast beef or some wild beast,
And drinking pans of milk, and gloriously
Emulating the thunder of high heaven!"

These are they, who, having caught up some petty fragments of Truth, cry out, *Eureka!* and while there are so many who go bellowing and staggering up and down the land—their hoarse clamorings burdened with the watch-words of "innovation strange," wrung from some crazed Philosophy—it is greatly refreshing to meet with a straight-up-and-down flat-footed man, who stands on his own bottom, and asserts himself as Hawthorne does. A friend at my elbow suggests that there is a strong family likeness between the above sentence and one of Carlyle's in his essay upon Emerson. As we have no recollection of ever having seen the said sentence, we must simply congratulate Mr. Carlyle upon the happy coincidence. Hawthorne, too, speaks of Emerson, and in doing so, finely touches up this brawling tribe of Innovators—each one of whom imagines he has certainly found the Archimidean lever, and is heaving at it in the effort to turn the world topsyturvy. We give it entire, since some of the finest characteristics of our author are here furnished:

"Severe and sober as was the old Manse, it was necessary to go but a little way beyond its threshold, before meeting with stranger moral shapes of men than might have been encountered elsewhere, in a circuit of a thousand miles.

"These hobgoblins of flesh and blood were attracted thither by the wide-spreading influence of a great original Thinker, who had his earthly abode at the opposite

extremity of our village. His mind acted upon other minds, of a certain constitution, with wonderful magnetism, and drew many men upon long pilgrimages, to speak with him face to face. Young visionaries—to whom just so much of insight had been imparted, as to make life all a labyrinth around them—came to seek the clue that should guide them out of their self-involved bewilderment. Grey-headed theorists—whose systems, at first air, had finally imprisoned them in an iron frame-work—travelled painfully to his door, not to ask deliverance, but to invite the free spirit into their own thralldom. People that had lighted on a new thought, or a thought that they fancied new, came to Emerson, as the finder of a glittering gem hastens to a lapidary, to ascertain its quality and value. Uncertain, troubled, earnest wanderers, through the midnight of the moral world, beheld his intellectual fire, as a beacon burning on a hill-top, and climbing the difficult ascent, looked forth into the surrounding obscurity, more hopefully than hitherto. The light revealed objects unseen before—mountains, gleaming lakes, glimpses of a creation among the chaos—but also, as was unavoidable, it attracted bats and owls, and the whole host of night-birds, which flapped their dusky wings against the gazer's eyes, and sometimes were mistaken for fowls of angelic feather. Such delusions always hover nigh, whenever a beacon fire of truth is kindled.

"For myself, there had been epochs of my life, when I, too, might have asked of this prophet the master-word that should solve me the riddle of the universe. *But now, being happy, I felt as if there were no question to be put*, and therefore admired Emerson as a poet of deep beauty and austere tenderness, but sought nothing from him as a philosopher. It was good, nevertheless, to meet him in the wood-paths, or sometimes in our avenue, with that pure, intellectual gleam diffused about his presence, like the garment of a shining one; and he is so quiet, so simple, so without pretension, encountering each man alive as if he expected to receive more than he could impart. And, in truth, the heart of many an ordinary man had, perchance, inscriptions which he could not read. But it was impossible to dwell in his vicinity, without inhaling, more or less, the mountain atmosphere of his lofty thought, which, in the brains of some people, wrought a singular giddiness—new truth being as heady as new wine. Never was a poor little country village infested with such a variety of queer, strangely-dressed, oddly-behaved mortals, most of whom took upon themselves to be important agents of the world's destiny, yet were simple bores, of a very intense water. Such, I imagine, is the invariable character of persons who

crowd so closely about an original thinker, as to draw in his unuttered breath, and thus become imbued with a false originality. *This triteness of novelty is enough to make any man, of common sense, blaspheme at all ideas of less than a century's standing; and pray that the world may be petrified and rendered immovable, in precisely the worst moral and physical state that it ever yet arrived at, rather than be benefited by such schemes of such philosophers.*"

"But now being happy, I felt as if there were no questions to be asked." This is one of the most exquisitely delicate assertions of that manliness and self-reliance which we have spoken of as eminently a trait of his, that we ever met. What could be more beautiful than such a reason—"Now being happy"—assigned for asking nothing of the sharp-featured Autocrat "as a philosopher!" Whether as felicitously expressed or not, it is the same reason which would occur to any true man, who, firm in his own individuality, has sought out God and Truth for himself, in his own way, and now having found the unutterable wisdom, rests in the fullness of Joy! and has nothing more to ask of others who are merely going over the same ground! What have they to tell him? Has not God revealed himself, and shall he go to a mere human oracle to be told of Him! Let well enough alone—he is "happy," and "*feels* there are no questions to be asked!" Let those whose weak and imperfect lives must lean upon the souls of others, go cringe at the footstool of the human oracles, and make to them Gama-liels where they may—the strong nature bows only at the footstool of God! it accepts no philosophy at second-hand—though it takes all your facts with gratitude; in the whole world of metaphysics it must be a law unto itself. Out upon them—these "Time-flies," that fatten on the carrion of Thought! The burst of indignation from Hawthorne, which we have italicised in the conclusion of the above extract, is a noble expression of what all rightly balanced men must feel towards such feeble vampyres. We have a perfect horror and detestation of Oracular People—they are sure to be out of joint themselves—and we never think of a man like Emerson about to hold forth to a pale crowd of lymphatic Disciples, but that the burlesque application of those lines from Keats occurs to us:

—"there is a noise
Among Immortals when a God makes sign
With hushing finger, that he means to load
His tongue with the full weight of utter-
less thought,
With thunder, and with music, and with
pomp!"

We suppose the "noise" referred to must be the simultaneous opening of the "fly-traps" of the Disciples, that they may be in readiness to gulp and bolt everything that comes forth from "Sir Oracle!" If there is any animal under the sun more condemned by us than every other, it is the

—"barren-spirited fellow!—one that
feeds
On objects, arts, and imitations,
Which, out of use, and staled by other men,
Begin his fashions."

But we have dwelt somewhat upon the universality of Hawthorne's mind, and his honestly philosophical readiness to recognize all truths, of whatever character, that may be presented by the different schools of avowed Reformers. It is somewhat curious to observe how quietly and unobtrusively this trait makes itself felt and recognized through his writings. Every now and then you stumble upon a passage which shows that he has extracted the honey from them all, and left what is merely the rough husk to the laws of decay. Now it is certainly a mooted question whether we are not all wrong about eating the flesh of red-blooded animals—there is a sect in this country who call themselves, or have been named, "Grahamites," who most dogmatically contend for a "purely vegetable diet" as the only one upon which man can live righteously, and hope for salvation! That the dietetical habits of our countrymen are, in many respects, monstrous, we do not deny; as for instance, we cannot conceive of a mild, genial, many-sided and dispassionate mind—which could repudiate all uncharitableness, and out of the diseased bitterness of moody and pugnacious temperaments, extract all that was good and high—or in other words—could give everybody credit for whatever of the milk of human kindness might show itself in their veins—we say we find a difficulty in conceiving of such an exalted Philosopher as being fed upon fat pork and rich gravies. But as for the Warrior, whose utility is just as apparent, we can experience no such difficulty. His mission is

destruction, and why should he not live upon Death? He could hardly be so stern, so headlong, or so effective in his vocation were his blood attenuated by "a purely vegetable diet!" The physiological fact that we are one half animals cannot be escaped; and the consequential fact that as the animal is nurtured so will the angel in us be developed, is equally inevitable! But then we are not "Grahamites,"—we see that in it, in spite of all its ultraisms, there is a *single* truth—for there is no universal Truth but in God's own life. And this single truth, so far as it goes, we are willing to recognize; and so is Hawthorne! He evidently sees that there is something vital in it, and takes the proper occasion—not to intrude it as the last

"Emergent Venus from the sea"

of special revelation to himself as the favored of Heaven—but incidentally, as the importance of the thing itself, compared to the vast infinitude of such truths, is incidental. We can, therefore, from this point of view, entirely appreciate the language he puts into the mouth of the "new Adam and Eve," when their fresh and unsophisticated minds have at once, through creation, been introduced to a great city of our civilization, from which, by a sudden "judgment," all the existing population has been swept, without the alteration of any physical expression of its condition at the time; with houses, ships, stores, streets, hotels, and private dwellings, left just as they were when the annihilating visitation overtook them! They have been long wandering amidst the labyrinth of doors and ways, filled with childlike and unspeakable amazement at all the inexplicable appliances they saw about them, when we find them curiously sauntering through the rooms of a modern mansion of luxury.

"By a most unlucky arrangement, there was to have been a grand dinner-party in this mansion on this very day when the whole human family, including the invited guests, were summoned to the unknown regions of illimitable space. At the moment of fate, the table was actually spread, and the company on the point of sitting down. Adam and Eve came unbidden to the banquet; it has now been some time cold, but otherwise furnishes them with favorable specimens of the gastronomy of their predecessors. But it is difficult to imagine the perplexity of the unperverted couple, in endeavoring to find proper food

for their first meal, at a table where the cultivated appetites of a fashionable party were to have been gratified. Will Nature teach them the mystery of a plate of turtle soup? Will she embolden them to attack a haunch of venison? Will she initiate them into the merits of a Parisian pasty, imported by the last steamer that ever crossed the Atlantic? Will she not, rather, bid them turn with disgust from fish, fowl, and flesh, which, to their pure nostrils, steam with a loathsome odor of death and corruption? Food? The bill of fare contains nothing which they recognize as such.

"Fortunately, however, the dessert is ready upon a neighboring table. Adam, whose appetite and animal instincts are quicker than those of Eve, discovers this fitting banquet.

"Here, dearest Eve," he exclaims, 'here is food.'

"Well," answered she, with the germ of a housewife stirring within her, 'we have been so busy to-day, that a picked-up dinner must serve.'

"So Eve comes to the table, and receives a red-cheeked apple from her husband's hand, in requital of her predecessor's fatal gift to our common grandfather. She eats it without sin, and, let us hope, with no disastrous consequences to her future progeny. They make a plentiful yet temperate meal of fruit, which, though not gathered in Paradise, is legitimately derived from the seeds that were planted there. Their primal appetite is satisfied.

"What shall we drink, Eve?" inquires Adam.

"Eve peeps among some bottles and decanters, which, as they contain fluids, she naturally conceives must be proper to quench thirst. But never before did claret, hock, and madeira, of rich and rare perfume, excite such disgust as now.

"Pah!" she exclaims, after smelling at various wines. 'What stuff is here? The beings who have gone before us could not have possessed the same nature that we do, for neither their hunger nor thirst were like our own!'

"Pray, hand me yonder bottle," says Adam. 'If it be drinkable by any manner of mortal, I must moisten my throat with it.'

"After some remonstrances, she takes up a champagne bottle, but is frightened by the sudden explosion of the cork, and drops it upon the floor. There the untasted liquor effervesces. Had they quaffed it, they would have experienced that brief delirium, whereby, whether excited by moral or physical causes, man sought to recompense himself for the calm, life-long joys which he had lost by his revolt from nature. At length, in a refrigerator, Eve finds a glass pitcher of water, pure, cold, and bright, as ever gushed from a fountain

among the hills. Both drink; and such refreshment does it bestow, that they question one another if this precious liquid be not identical with the stream of life within them."

But there is a still more interesting and even wiser exhibition of the Ethical Conservatism of his mind given in that fine allegory, "Earth's Holocaust." Here he represents a saturnalia of the Reformers who have carried the day, and induced the whole world to consent to make a great Holocaust of all things sacred in the past, concerning which there has been controversy. Of course as there has been controversy about everything, everything must be burnt, and a clean sweep be made—all things be wiped out, that the Race might begin anew! All things, true and false alike, were flung upon the gigantic pyramid of flames by the maddened multitude—even to the Book of Books—which refused to be burnt. When this has been accomplished and the reaction comes, the natural doubt begins to arise, whether the purified world would realize the expectation of benefit from such a sacrifice. This doubt is shared by the most dispassionately acute of the lookers-on in common with the murderers and criminals of every grade—but of course for very different reasons. A personage of very ominous character, who had been looking on with a quiet sneer, approaches these last with comforting words, as they are saying, "This is no world for us any longer."

"'Poh, poh, my good fellows!' said a dark-complexioned personage, who now joined the group—his complexion was indeed fearfully dark, and his eyes glowed with a redder light than that of the bonfire—"Be not so cast down, my dear friends; you shall see good days yet. There is one thing that these wiseacres have forgotten to throw into the fire, and without which all the rest of the conflagration is just nothing at all; yes—though they had burnt the earth itself to a cinder!"

"'And what may that be?' eagerly demanded the last murderer.

"'What but the human heart itself!' said the dark-visaged stranger, with a portentous grin. 'And unless they hit upon some method of purifying that foul cavern, forth from it will re-issue all the shapes of wrong and misery—the same old shapes, or worse ones—which they have taken such a vast deal of trouble to consume to ashes. I have stood by, this live-long night, and laughed in my sleeve at the

whole business. Oh, take my word for it, it will be the old world yet!'

"This brief conversation supplied me with a theme for lengthened thought. How sad a truth—if truth it were—that Man's age-long endeavor for perfection had served only to render him the mockery of the Evil Principle, from the fatal circumstance of an error at the very root of the matter! The heart—the heart—there was the little yet boundless sphere, wherein existed the original wrong, of which the crime and misery of this outward world were merely types. But if we go no deeper than the intellect, and strive, with merely that feeble instrument, to discern and rectify what is wrong, our whole accomplishment will be a dream; so unsubstantial, that it matters little whether the bonfire, which I have so faithfully described, were what we choose to call a real event, and a flame that would scorch the finger—or only a phosphoric radiance, and a parable of my own brain!"

Would to God that we had more Teachers of such a creed as this in our Literature! Here we have embodied and illustrated, with a beautiful simplicity—not surpassed by that of the Greek fables or the Decameron—what is the fundamental thought of that Higher Conservatism upon the eternal base of which all wise and true Whigs have planted their feet. It is ridiculous to contend or hope that Political Creeds ever were or can be separated from the Ethical and Religious. One always has and always will grow out of the other. Though we are as vehemently opposed as any Radical could desire to Intolerance of *every* kind—yet we not the less believe, of all Political Parties, that by their morals and their Religion "ye shall know them!" We do not know, nor do we care, to what Party Nathaniel Hawthorne ostensibly belongs—we should judge, not to any. If he has identified himself with any, it should be the Whig Party—for he is a Whig and can't help himself. If it be the fact that he is ranked among the Loco-Focos, it is the result of sheer accident or that indifference which is so characteristic of those Literary men of all countries who feel how much above the petty ends of Faction their sacred mission is, and accept from their Government—of whatever Party—whatever it has to offer, as a right. This is the true position of Washington Irving and many others we could name, who are sillily boasted of by the other Party—which numbers in

its ranks the immortal Chipman—because they have accepted office under the Government—as if it were not the duty and the glory of anything presuming to call itself a Government at all, to reward its Literary men who are understood to be above Partisanship, and to express, from the highest point of view the wisdom of the age! But it is to Hawthorne's Literary and Artistical character that we must now turn, and with equal pleasure. One of his finest traits is a sort of magical subtlety of vision, which, though it sees the true form of things through all the misty obscurations of humbug and cant, yet possesses the rare power of compelling others to see their naked shapes through a medium of its own. This is really the "miraculous organ" of Genius, which projects out of its own life a "*couleur de Rose*," with which everything it touches is imbued, and through which every one must look with it—or, if there is a purpose to be attained, throws forward a "*couleur de Diable*" with equal facility. A strong common sense in Hawthorne brushes away all cobwebs which obscure his subjects, except such as are dew-jewelled in the morning sun, and for these his rare fancy pleads sympathetically against that inexorable tribunal as exquisite illusions, mirthful fantasies of our old mother Nature, who thus presents her own creatures anew to our sated sense, through a glorifying kaleidoscope! Think of a young rose seen through a veil of gossamer hung with gems, fired by the Morning! What an illustrious delicacy we should see upon its cheek!

—"a sudden pale
Like lawn being spread upon the blushing
rose,"

yet sparkling with a voluptuous languishment! After all our Mother is the highest artist! It is a favorite expression with regard to Hawthorne, that he "*Idealizes*" everything. Now what does this Idealization mean? Is it that he *improves* upon Nature? Pshaw! this is a Literary cant which it is full time should be exploded! God is Nature! and if he be not the highest Artist, who is? Talk to me of *Idealizing* the violet, and you talk nonsense. Can you idealize the glories of an Autumn evening sunset, or *improve* the azure robe which "lends enchantment" to the distant mountain's brow? Can you improve upon an Alpine Rose, with its contrasted accessories of desolation, in bare rugged

cliffs, chill airs, inconstant storms of hail, and sleet, and snow, to vex the summer in its purple breast? When you can do this you may talk to us of idealizing God's own handy-work! Nature is never elevated, but it may be *approached*. It can never be "*improved*," but it may be modified, as you may modify the rose into something like a red cabbage! But have you thereby made it into more than a rose? You have only distorted it! The beauty of the outward world is absolute—it depends upon our own eyes whether we see it so or not. Tell me that a hatchet-faced Yankee, with a tobacco-frog in his cheek, who goes floundering through the meadows kicking the meek Cowslips in the face with his coarse boots, or—adding insult to injury—squirting his foul spittle in their eyes—tell me that such an animal would be any the wiser! Though the odors of the "sweet South" should visit him, would he by any accident ever see the piled-up clouds of a Summer evening

"Distinct with column, arch and architrave,
And palm-like capital, and overwrought,
And populous most with living imagery?"

He might indeed see the omen of a storm that would hurt the "*Craps*," or perhaps damage his package of "*Eradicating Soap*"—but "*nothing else*." Now, Hawthorne does not endeavor to improve upon the Actual, but with a wise emulation attempts—first to reach it, and then to modify it suitably with the purpose he has to accomplish. Of course he is led by his fine taste to desire to see it himself, and make you see it in precisely that light in which it shows best—in which its highest beauty is revealed. It is the object of the Teacher to make us in love with Nature, and consequently with Truth. He therefore presents Nature in her most effective and lovable attitudes. As he has, in painting the Day, a choice between all its periods he of course would not select the alert and laughing Morning, were his purpose to make us in love with shady langour; nor would he choose the sultry Noon to illustrate for, and fill us with images of buoyant life and action. He has all to select from, and the superiority of the Artist, is shown not only in the skill with which his objects are presented, but as well in the tact with which the conditions in which they are to be presented are selected; and this, after all, is what

is truly meant by Idealizing them, though the greater portion of those who use the term suppose it to convey something mysteriously and inexpressibly significant.

We can't get away from the physical, and just as our material vision informs the inner life will that inner life know Wisdom. When some of our crude Theorists have learnt to realize this truth they will have learned too to toss their vagaries to the wind; for they will have come to the knowledge that one Fact of the external Life is worth a thousand Dreams, and that they need not waste their lives in seeing sights that have no substance, and dreaming Dreams that have no reality; for if they will only wake up, and look at the real World as it absolutely is, they will find they have a Paradise made to their hand—and that all that is wanted for their own, and the "Perfectability" of the Race, is the requisite physical training and conditions which will furnish them with the capabilities for enjoying this Paradisaical state a benevolent Providence has offered them. Let them purify their own bodies, their hearts and brains—brush the dust and motes from off the "windows of the soul," and then, to their out-look, the "bow of promise" will be seen making a halo over common things. We are the compulsory habitants of an Earthly Tabernacle, "fearfully and wonderfully made," and we must make the best of it. It is impugning the Eternal Wisdom for us to presume to say, that as such indwellers the outward Life does not harmonize perfectly with our capacities for pleasure here. It is truly "of the Earth earthy," and the Earth must be a Paradise to it. As an Artist, in this respect, Hawthorne possesses the most consummate skill. He sees a "halo over common things," and so brings up his readers, whether they will or not, to his point of view. Though it may be "the difficult air o' the iced-mountain tops" to them at first, yet he has a wonderful soft persuasion in his manner, which wins them to go with him, until, all at once, they find themselves unconsciously seeing with his eyes, and informed with "the spirit of his knowledge." We know no modern writer more eminent than Hawthorne in this particular faculty. He is to the Present and the Future what Charles Lamb was to the Past. Lamb is a favorite of Conservative Literature—in that he held all the teachings of "by-gones" as sacred—lived in memory, and

furnishes us with that contrast of the Elder Experience with the Present Progress which we feel to be so indispensable as a guide to our Future.

Elia was full of subtle appreciation; and it was most happily said of him, in effect, that the most delicate turn of thought, the rarest gambol of whimsical fancy, which could come warm from the mint of even Shakspeare's brain, would instantly be recognized and stamped by his appreciation. But with all this, Elia had an unconquerable horror of the inevitable "To Be." He dreaded, and *would not* look into the Future, and equally detested and warred against the Present. Now this is a one-sided, and not the most to be respected, wisdom. There is a real Present which we cannot escape from, and a certain Future which we *must* face, and he is the wisest and the truest Conservative who equally regards all three—who accepts the Past for what it teaches—the Present for the good it has—and the Future for the hope that is in it.

There are many minor points of coincidence in which Charles Lamb and Hawthorne may be fairly contrasted. They both have a quietly permeating humor, which searches "the joints and marrow" of the ludicrous; and with this keen-edged shrewdness they both have a mild and patient benevolence which interpenetrates and sweetens what might otherwise be called the acrimony of wit! They are the most loving and lovable of Satirists; but then they differ widely in their purposes! One merely burlesques Progress by a cruel and unfair reference to the Past:—the other encourages Progress by a swift "showing up" of old errors, and an acute illustration of the "wherein" a fundamental Reformation consists! One would reform the manners and the fashions of his time—the other would reform the body and soul! Here we are content to dismiss the contrast; for certainly if Lamb has made us in love with the Past, Hawthorne has presented us with the undying Hope for the Future, and fired us with a zeal which can never decay, for bringing forth its Promise! We know it is dangerous to draw contrasts between our own Literary men and the old established names of English Literature, for there is usually a certain parlance of laudatory epithet appropriated to them which it is rash to contradict. But we should be glad to know—if we do not assert the claims of our own Literature,

who will do it for us? It is certain that neither Lamb, nor any other modern Prose Writer has ever walked more critically that difficult and narrow line between the Natural and Supernatural. This is a most perilous place to tread; and Hawthorne's clear eye and calm nerve does it with a steadiness and skill scarcely equaled. Take the first story in the Legends of the Province House, for example, in his earlier book, "Twice-told Tales." We defy anybody, after reading "Howe's Masquerade," to decide at once whether the "mysterious pageant" with which the entertainment of the last Royal Governor of Massachusetts is interrupted, comes really from the Shadow-Land, or is merely a skillfully devised Masque of the rebellious Citizens! We are ourselves, to this very day, somewhat doubtful, though we have read it many times. When one comes to really analyze the Story in soberness, he finds himself a little puzzled in spite of his common sense; for though there can be no question as to the character of that strange figure, from a view of the face of which Sir William Howe recoils in horror and amazement—dropping his sword, which he had been about to use in his wrath—and though there can be as little room for mistake when, "last of all, comes a figure shrouded in a military cloak, tossing his clenched hands into the Air, and stamping his iron-shod boots upon the broad freestone steps with a semblance of feverish despair, *but without the sound of a foot-tramp*,"—yet this sentence concludes the Story; and the Real and Unreal have been mingled throughout with so many consummate touches—such as when Colonel Joliff and his grand-daughter, who are both stout Rebels, leave, "it was supposed that the Colonel and the young Lady possessed some secret intelligence in relation to the mysterious pageant of that night." Now this passage is thrown in with a most admirable skill for the purpose of the Author; which is to continue a half-defined illusion in the reader's mind to the last, as to the true character of the scene he is perusing—whether these figures be of earth, or "goblin damned!" This is the highest accomplishment of a peculiar skill which all imaginative writers have emulated. Its perfect type is found in the Old Ballads. Walter Scott and Fouque have been masters; while in Poetry Coleridge has triumphed supremely in Christabel. Hawthorne equals either of them

in skill—but his subjects do not possess the breadth or Histrionic Grandeur of Scott's. His style and treatment have not equaled, though they have approached, the airy grace and tenderness of "Undine;" or attained to the mysterious dread which creeps through music in unequaled Christabel. Yet we think his story of "Young Goodman Brown" will bear to be contrasted with anything of this kind that has been done. The subject of course wants many imposing elements—for it is merely an Allegory of simple New England Village Life—but as a Tale of the Supernatural it certainly is more exquisitely managed than anything we have seen in American Literature, at least! He wins our confidence at once, by his directness and perfect simplicity. We have no puerile announcement to begin with of "A Tale of the Supernatural"—like the Painter's "This is a Cow," over his picture of that animal. We are left to find this out for ourselves in the due and proper time. In the meanwhile we are kept in a most titillating condition of uncertainty. We see that

"Young Goodman Brown came forth, at sunset, into the street of Salem village, but put his head back, after crossing the threshold, to exchange a parting kiss with his young wife. And Faith, as the wife was aptly named, thrust her own pretty head into the street, letting the wind play with the pink ribbons of her cap, while she called to Goodman Brown.

"'Dearest heart,' whispered she, softly and rather sadly, when her lips were close to his ear, 'pr'ythee, put off your journey until sunrise, and sleep in your own bed to-night. A lone woman is troubled with such dreams and such thoughts, that she's afraid of herself, sometimes. Pray, tarry with me this night, dear husband, of all nights in the year!'

"'My love and my Faith,' replied young Goodman Brown, 'of all nights in the year, this one night must I tarry away from thee. My journey as thou callest it, forth and back again, must needs be done 'twixt now and sunrise. What, my sweet, pretty wife, dost thou doubt me already, and we but three months married!'

"'Then God bless you!' said Faith, with the pink ribbons, 'and may you find all well, when you come back.'

"'Amen!' cried Goodman Brown. 'Say thy prayers, dear Faith, and go to bed at dusk, and no harm will come to thee.'

"So they parted; and the young man pursued his way, until, being about to turn the corner by the meeting-house, he looked

back and saw the head of Faith still peeping after him, with a melancholy air, in spite of her pink ribbons.

"Poor little Faith!" thought he, for his heart smote him. "What a wretch am I, to leave her on such an errand! She talks of dreams, too. Methought, as she spoke, there was trouble in her face, as if a dream had warned her what work is to be done to-night. But, no, no! 'twould kill her to think it. Well; she's a blessed angel on earth; and after *this one night*, I'll cling to her skirts and follow her to Heaven!"

What does this mean, Goodman? Are you gone forth to some pledged revel with the young friends of your Bachelorhood—concerning which you have not dared to speak to your Faith? Ah, Goodman, these are dangerous vows to keep, and we are sure when it is all over this will be the last!—no, the Goodman belongs to a staid generation, and lives in pious Salem village. It is not because he goes forth to such sinful doings that his conscience is smitten—that his "Amen" startles us with its deep, sad tone! ah no! The Goodman is a young Bridegroom—"but three months married," and his heart yearns in tenderness towards his fair, young Bride, thus to be left alone through "the silent watches" for the first time. It is only some business of deep moment which would have called him forth—but it is an honest business, and we will go with him in confidence down the dreary road through the gloomiest part of the forest. When he suddenly beholds "the figure of a man in grave and decent attire seated at the foot of an old tree," who arose and walked onward with him as if he had been expecting him, our vague apprehensions are relieved at once and we feel gratified that our sagacious appreciation is sustained by the decorous and unquestionable character of his companion. Even when we see that strange staff of his, which "bore the likeness of a great black snake so curiously wrought that it might be seen to twist and wriggle itself like a living serpent," our faith in his grave and evidently acute friend is only slightly shocked. And when as they talk on, he claims to have been an old friend of the Puritan Grandfather and Father of the Goodman, and to be on terms of intimacy with the deacons and selectmen, and even with the Governor and Council, we absolutely take him into our confidence—for how could he be intimate with such peo-

ple and not be trustworthy? Nay, although he seems to have something of a bitter tongue in his head, we have become so propitiated that we absolutely feel indignant at the Goodman's perverse hesitation to accompany so proper a person. To what evil could the old friend of his Fathers lead him—and why should you distrust him, Goodman? When we see before them in the path the form of Goody Cloyse, "who had taught him his catechism in youth, and was still his moral and spiritual adviser jointly with the minister and Deacon Gookin," we are surprised, as the Goodman was, that she should be so far in the wilderness at night-fall—but we feel hurt for him that he should be so cowardly as to turn out from the path into the woods to avoid meeting his old and honored instructress, Conscience-smitten Goodman! what can it mean? and then to be so suspicious of your venerable companion as to shabbily play the eavesdropper upon him! But the scene which follows begins to enlighten us somewhat:

"Accordingly, the young man turned aside, but took care to watch his companion, who advanced softly along the road, until he had come within a staff's length of the old dame. She, meanwhile, was making the best of her way, with singular speed for so aged a woman, and mumbling some indistinct words, a prayer, doubtless, as she went. The traveller put forth his staff, and touched her withered neck with what seemed the serpent's tail.

"The devil!" screamed the pious lady.

"Then Goody Cloyse knows her old friend?" observed the traveller, confronting her, leaning on his writhing stick.

"Ah, forsooth, and is it your worship, indeed?" cried the good dame. "Yea, truly is it, and in the very image of my old gossip, Goodman Brown, the grandfather of the silly fellow that now is. But, would your worship believe it? my broomstick hath strangely disappeared; stolen, as I suspect, by that unhang'd witch, Goody Cory, and that, too, when I was all anointed with the juice of smallage, and cinque-foil, and wolf's bane!"

"Mingled with fine wheat and the fat of a new-born babe," said the shape of old Goodman Brown.

"Ah, your worship knows the recipe," cried the old lady, cackling aloud. "So, as I was saying, being all ready for the meeting, and no horse to ride on, I made up my mind to foot it; for they tell me there is a nice young man to be taken into communion to-night. But now your good worship will lend me your arm, and we shall be there in a twinkling."

" 'That can hardly be,' answered her friend. 'I may not spare you my arm, Goody Cloyse, but here is my staff, if you will.'"

"So saying, he threw it down at her feet, where, perhaps, it assumed life, being one of the rods which its owner had formerly lent to the Egyptian Magi. Of this fact, however, Goodman Brown *could not take cognizance*. He had cast up his eyes in astonishment, and looking down again, beheld neither Goody Cloyse nor the serpentine staff, but his fellow-traveller alone, who waited for him as calmly as if nothing had happened.

" 'That old woman taught me my catechism!' said the young man; and there was a world of meaning in this simple comment."

Ah, Goodman! Goodman! now we begin to tremble for thee. Didst thou see those green twigs wet with the evening dew wilt up beneath the touch of his finger? Thou art in awful company! How we tremble for him when he says stubbornly, "Friend, my mind is made up; not another step will I budge on this errand." God help thee to stand up to that resolve! His Tempter disappears. But then all the air and forest is filled with his delusions. The voices of Deacon Gookin and the old minister go by. They are jogging quietly on the same road. "Where can these holy men be journeying so deep in the heathen wilderness?" The young Goodman nearly drops with faintness! All going—but yet there is hope. "With Heaven above and Faith below I will yet stand firm against the devil," he cries. Stoutly said, thou brave Goodman! Then the accents of many of his town's-people both godly and ungodly are heard going by—still the Goodman would have been firm—but alas! the voice of a young woman uttering lamentations, and a bit of "*pink ribbon*" flutters lightly down the silent air! ah, it is terrible. "Faith! Faith! Faith!" the strong man screams, and what wonder that now he is maddened and rushes on. "My Faith is gone"—come, devil! for to thee is this world given!" He speeds through the forest which was peopled with frightful sounds—but there was no horror like that in his own breast—until he saw a red light before him and that weird altar of rock "surrounded by four blazing pines—their tops a flame, their stems untouched, like candles at an evening meeting" rose in view—and the great concourse—"a grave and dark-clad company" of those who had collected there to the Saturnalia of Hell.

"Among them, quivering to-and-fro, between gloom and splendor, appeared faces that would be seen, next day, at the council-board of the province, and others which, Sabbath after Sabbath, looked devoutly heavenward, and benignantly over the crowded pews, from the holiest pulpits in the land. Some affirm, that the lady of the governor was there. At least, there were high dames well known to her, and wives of honored husbands, and widows, a great multitude, and ancient maidens, all of excellent repute, and fair young girls, who trembled lest their mothers should espy them. Either the sudden gleams of light, flashing over the obscure field, bedazzled Goodman Brown, or he recognized a score of the church-members of Salem village, famous for their especial sanctity. Good old Deacon Gookin had arrived, and waited at the skirts of that venerable saint, his reverend pastor. But, irreverently consorting with these grave, reputable and pious people, these elders of the Church, these chaste dames and dewy virgins, there were men of dissolute lives and women of spotted fame, wretches given over to all mean and filthy vice, and suspected even of horrid crimes. It was strange to see, that the good shrank not from the wicked, nor were the sinners abashed by the saints. Scattered, also, among their pale-faced enemies, were the Indian priests, or powows, who had often scared their native forests with more hideous incantations than any known to English witchcraft.

" 'But, where is Faith?' thought Goodman Brown; and, as hope came into his heart, he trembled."

Terrible picture! Sad! sad night for thee, Goodman, when with thy young eyes thou lookedst upon it! Dark! all is dark with an unutterable gloom—for that lurid light upon it is only darkness heated white with the fierce glow of Hell-hate. No delusion of a mooned melancholy hast thou now to cope with, Goodman! They are all real—real to thee—and even we can feel the hot breath of the thick, infestious air, wrestling with our Souls. It shall not be, though. We will not believe it all! Goodman! Goodman! it is a delusion! Think of thy Faith! And he asks where she is, and trembles with the hope that she may not be there. And that "dreadful anthem" they were singing to "a slow and solemn strain, such as the pious love, but joined to words which expressed all that our nature can conceive of sin, and darkly hinted at far more"—with its awful chorus of all the sounds of "the unconverted wilderness," which ushers in the coming of the Chief Priest, the

master Fiend of all this multitude. The fire on the rock-altar forms an arch, and beneath it he appears, "bearing no slight similitude, both in garb and manners, to some grave divine of the New England Churches! "Bring forth the converts," rolls out in the volumed solemnity of his tones. "At the word" the Goodman obeys—drawn—but with deep loathing in his heart. The shape of his father beckons him on from amidst a wreath of smoke, while a woman waves him back; "Is it his mother?" Beautiful question! But ah, that veiled and slender female led forward between Goody Cloyse and "that rampant hag," who is to be queen of hell, Martha Carrier! who is she, Goodman? Is this last terrible bolt to fall? Is it *she*? The Goodman is meek now—the doubt is enough! He no longer "loathes"—how can he loathe or feel anything? He is dumb and numb, and all his life lies still. He is turned into a machine, and looks round when the Orator requires—and the greeting of the Fiend-worshippers which grimed darkly upon him out of the sheet of flame—was like any other sort of greeting—quite a formal thing! Now he listens to that measured discourse from him of "the sable form," in which the monstrous and maddening creed, that Evil is the only real actuality, while virtue, truth, all godliness and righteousness, are hollow sounding names—as a very proper sort of discourse! That they were all here whom he had revered from youth, he knew already—that it was a deception when he had deemed them holier than himself, he had seen—for they were all here in the worshiping assembly of the Devil. And that diabolical summary of secret crimes and promise of the gift to know and see all beings in their true life,—this was all consequential and moved him not—but that veiled figure? What cared he that "the fountain of all wicked arts" should be opened up to him? he had not leaned so much upon those others; he had leaned upon the truth of his Fathers; but most upon his "Faith." The two converts are told by *him*, (The Evil One,) "my children, look upon each other!" They did so, and "by the blaze of hell-kindled torches the wretched man beheld his Faith, and the wife her husband."

"So, there ye stand, my children," said the figure, in a deep and solemn tone, almost sad with its despairing awfulness, as if his once angelic nature could yet mourn for our miserable race. "Depend-

ing upon one another's hearts, ye still hoped that virtue were not all a dream! now ye are undeceived!" Welcome! and welcome! "repeated the fiend-worshippers, in one cry of despair and triumph!" Thou stricken Goodman! out of the agony that *doubt* had stilled—this last dreadful consummation had almost quickened thy wrenched soul into one spasm of expiring strength, when that accursed baptism, "the Shape of Evil" was prepared to mark with the red fluid upon thy forehead, in token of thy initiation into the mysteries of Sin, startles thee up. The old Puritan in thee rouses to the rescue at last! That ancient hatred of "the mark of the Beast" has stung thee! "Faith! Faith! look up to Heaven, and resist the Wicked One!" It has been spoken! You are saved Goodman! And now, considered merely as an artistic effect, comes the most exquisitely perfect dream-waking we ever remember to have seen. "Hardly had he spoken, when he found himself amid calm night and solitude, listening to the roar of the wind which died heavily away through the forest. He staggered against the rock and felt it chill and damp, while a hanging twig *that had been all on fire*, besprinkled his cheek with the coldest dew!"

It has been all unreal, Goodman, as that chill sprinkle from amidst thy dream-land flames has taught thee! but canst thou ever forget that awful Dream, thou granite man? It has been burned into the stern substance of thy hard life, with each particular line deepened like a furrow. Is there any caoutchouc in your nature, which can give up to the energy of hope and truth beneath, and smooth out those sharp cut seams? He shrank from the good minister's blessing as he came into the village, with a wild stare in his eye. He heard the Deacon Gookin at domestic worship, and he asked unconsciously, "What God doth the wizard pray to?" Goody Cloyse catechised a little girl before her door, and he snatched her away as from the grasp of the fiend himself. He spies the head of Faith looking anxiously out of his own door, with the same "pink ribbons in her cap." Though she skips to meet him, in a fond ecstasy, and almost kisses him before the whole village, yet he looks even *her* in the face with a sad regard, and passes on without a greeting. Oh, Goodman! Goodman! for this last we could weep over thee, as one for whom there is no hope—for Hope died in thy soul last night; and

as for sweet, gentle Faith, she too is dead for thee, thou darkened man!

"Had Goodman Brown fallen asleep in the forest, and only dreamed a wild dream of a witch meeting?" "Be it so if you will. But, alas! it was a dream of evil omen for young Goodman Brown. A stern, a sad, a darkly-meditative and distrustful, if not a desperate, man did he become from the night of that fearful dream." He even "shrunk from the bosom of his Faith at midnight;" and how can we doubt that, though he lived to a good old age—when he died—although he had "children and grand-children, a goodly procession," yet they "carved no hopeful verse upon his tombstone." Alas! Goodman, thou hadst seen *too much*; and if when thy Faith came to meet thee, with her chirruping joy, thy lips had only been unfrozen as they met her holy kiss, the dreadful Dream would have vanished, leaving no curse behind, and no doubt would have rested on thy cheerless grave. Ye men whose lives are shaded, who look out with a dulled, melancholic vision which *cannot* pierce the clouds to the blue heaven, with its stars beyond, take warning from the Goodman's Dream; for the same vision which cannot see to Heaven peoples the dull earth-mists around it with a Hell of Fiends!

This story is only one of many, which equal it in all the attributes of Artistic effect, but few of which approach it in power. The singular skill with which our sympathy is kept "halting between two opinions"—by which we are compelled throughout to recognize the flesh and blood reality of Goodman Brown; and necessarily, to enter into all the actual relations of the man, is only surpassed by the terrible elaboration with which this human embodiment of Doubt is compelled, through awe and madness, to struggle with the beings—almost equally human—of a self-created Hell. The effect, through all the sombre horror, is to keep our eyes "upon the brim" with tenderness for the stout, deep-hearted Puritan and his sweet, gentle "Faith"—with "the pink ribbons in her cap!" But such effects are not, by any means, all that Hawthorne is capable of producing. We see through everything that he has done, the same faculty, not of *Idealizing* the Real—as it is called—but of *Humanizing* the Unreal—giving it thews, sinews and a life-blood! Nothing that is an image to us, or can be a subject of thought to us, is Unreal but

through our own ignorance. They are all ours; and if we but possess the delicate intuition, may become familiars and the playmates of our moods! So Hawthorne, in his "Virtuoso's Collection," has given a real substance and entity to everything our childhood ever knew, from Aladdin's Lamp, and Cinderella's Slipper, [which he himself tried on,] to the skin of the "Vulture" which preyed upon the liver of Prometheus, and even to "Prospero's Magic Wand;" and, indeed, to the "Magic Wand of Cornelius Agrippa," with the veritable "Iron Mask," corroded with rust! All these we accept at his hands—just as our Childhood accepted "Robinson Crusoe"—because we can't help it! So with all Hawthorne's stories—we never stop to ask whether they are "sure 'nough" or not—it is sufficient that *he has made them Real*, and beguiled us for a time into the belief, that we are as wise as our Childhood was! Ineffable wisdom of Simplicity! Why are there so many Infants among us, with foreheads in which "the big imagination" is swelled out as we may conceit it to have been in the matured Shakspeare, which yet are wilted up, as they progress towards manhood, into the narrow quilting of a monkey's brow? Will "Infantine" Wisdom answer us—or will Hawthorne? Hawthorne *might* do it!—for we see "glimpses" in him that make him worthy.

The noblest Philosophers, of course, are those who have kept the Old Adam youngest in their veins! and necessarily such Philosophers must say the wisest and the gentlest things.

"And they shall be accounted Poet Kings Who simply say the most heart-easing things."

The true Poet is the highest Philosopher; and it is as the true Poet that we most profoundly respect Hawthorne! There is a better Poetry than that which affiances itself to Rhythm—though it may be questioned whether it is a higher! Poetry has wedded itself to Music; though it may be doubted whether it can get away from the measured and according harmony of "feet." Yet we say, as Poetry is something above "all rule or art," it is necessarily above all "metre,"—a pervading, uncontrollable Presence, which *will* stutter with a Human tongue the thoughts of Seraphim! and even in this imperfect speech work highest music out! Poetry is the music

of Truth; and let it come through what medium it may, it is always musical while it is True! Thus it is that Hawthorne constantly writes Poems while he only pretends to be writing Tales! Who of our Poets can point to a deeper Poetry than is expressed in "Rappaccini's Daughter." Where, out of Heil or Byron, will you find anything to compass the cold, intellectual diabolicism of the famous Doctor "Giacomo Rappaccini? And where—certainly *not* in Byron!—will you find a sublimer retribution visited upon that presumptuous Thought, which dared the INEFFABLE and died!—than he there quietly gives? Not only

in this, but in a dozen other Allegories—or Stories, as you choose to call them—can we point out "Our Hawthorne" as "Noticeable!" We had intended to have particularized in quotation many of those finer traits of spiritual beauty which have almost intruded themselves upon us, but we are compelled here, for want of space, to stop. We can only say, that in the "Mosses of an Old Manse," it seems to us that his Life has deepened since that which gave us "The Twice-told Tales," and that we hope and pray he may not spare us a future volume, though they may be even the Thrice-told Tales of Hawthorne!

FINANCE AND COMMERCE.

HAVING devoted some space this month to the New Tariff, with the arguments for and against its passage, we have concluded to publish the Act itself, for convenient reference by our readers. It will be found below. The following comparison of the Rates of Duty charged on the most important articles by the Tariff of 1842 and that of 1846 respectively, will be acceptable to many:

Articles.	Duty by Tar. of '42.	Do. of Tar. of '46.
Cotton fabrics, plain, not less per yd. than	6 cts.	25 pr ct.
Cotton fabrics, printed or colored,	9 cts.	25 "
Woolen do, generally	40 pr. ct.	30 "
do. Blankets, costing 75 cts. or less,	15 "	20 "
Woolen Blankets costing over 75 cts.,	25 "	20 "
Baizes, Bockings, per sq. yard,	14 "	25 "
Carpeting, Wilton, Saxony, Aubusson, and treple Ingrain, sq. yard,	65 cts.	30 "
Carpeting, Venetian and Ingrain,	30 "	30 "
Carpeting, Brussels and Turkey,	55 "	30 "
Flannels, pr. sq. yd.,	14 "	25 "
Wool, coarse, costing under 7 cts. per lb.,	5 pr. ct.	30 "
Wool, and costing over 7 cts. pr. lb.	3 cts.	30 "
	and 30 pr. ct.,	
Silks, generally, pr. lb.	\$1.87 1-2,	25 "
	\$2, \$2.12 1-2	
Raw silk per lb.,	50 cts.	15 "
Floss and other partially prepared,	25 pr. ct.	15 "
Iron, old or scraps, pr. ton,	\$10 }	30 "
do. Pig	\$9 }	

do. in Bars and Bolts,	\$17	30 "
do. if Rolled,	\$25	30 "
Anvils, Anchors, Sledges,		
per lb.,	2 1-2 cts	30 "
Castings, iron,	1 ct. pr. lb. to 2 1-2 cts.	30 "
Hemp, pr. ton,	\$40	30 "
Cables and Cordage, tarred, pr. lb.,	5 cts.	25 "
Cables, if untarred,	4 1-2 "	25 "
do. Yarns, Twine, Pack-thread,	6 "	25 "
Cotton Bagging, pr. sq. yd.,	4 "	25 "
Books, English, bound, per pound,	30 "	10 "
Books, in boards or sheets,	20 "	10 "

A BILL REDUCING THE DUTY ON IMPORTS, AND FOR OTHER PURPOSES; PASSED JULY 29, 1846.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the first day of December next, in lieu of the duties heretofore imposed by law on the articles hereinafter mentioned, and on such as may now be exempt from duty, there shall be levied, collected, and paid, on the goods, wares, and merchandise herein enumerated and provided for, imported from foreign countries, the following rates of duty—that is to say:

On goods, wares, and merchandise mentioned in schedule A, a duty of *one hundred* per centum ad valorem.

On goods, wares, and merchandise mentioned in schedule I, a duty of *forty* per cent.

On goods, wares, and merchandise mentioned in schedule B, a duty of *thirty* per centum ad valorem.

On goods, wares, and merchandise mentioned in schedule C, a duty of *twenty-five* per centum ad valorem.

On goods, wares, and merchandise mentioned in schedule D, a duty of *twenty* per centum ad valorem.

On goods, wares, and merchandise mentioned in schedule E, a duty of *fifteen* per centum ad valorem.

On goods, wares, and merchandise mentioned in schedule F, a duty of *ten* per centum ad valorem.

On goods, wares, and merchandise mentioned in schedule G, a duty of *five* per centum ad valorem.

SEC. 2. *And be it further enacted*, That from and after the first day of December next, the goods, wares, and merchandise mentioned in schedule H shall be exempt from duty.

SEC. 3. *And be it further enacted*, That, from and after the first day of December next, there shall be levied, collected, and paid on all goods, wares, and merchandise imported from foreign countries, and not specially provided for in this act, a duty of *twenty* per centum ad valorem.

SEC. 4. *And be it further enacted*, That in all cases in which the invoice or entry shall not contain the weight or quantity, or measure of goods, wares, or merchandise now weighed or measured or gauged, the same shall be weighed, gauged, or measured at the expense of the owner or consignee.

SEC. 5. *And be it further enacted*, That, from and after the first day of December next, in lieu of the bounty heretofore authorized by law to be paid on the exportation of pickled fish of the fisheries of the United States, there shall be allowed, on the exportation thereof, if cured with foreign salt, a drawback equal in amount to the duty paid on the salt, and no more, to be ascertained under such regulations as may be prescribed by the Secretary of the Treasury.

SEC. 6. *And be it further enacted*, That all goods, wares, and merchandise imported after the passage of this act, and which may be in the public stores on the second day of December next, shall be subject to no other duty upon the entry thereof than if the same were imported respectively after that day.

SEC. 7. *And be it further enacted*, That the twelfth section of the act entitled, "An act to provide revenue from imports, and to change and modify existing laws imposing duties on imports, and for other purposes," approved August thirty, eighteen hundred and forty-two, shall be, and the same is hereby, so far modified, that all goods imported from this side the Cape of Good Hope or Cape Horn may remain in the public stores for the space of one year instead of the term of sixty days prescribed in the said section; and that all goods imported from beyond the Cape of Good Hope or Cape Horn may remain in the public stores one year instead of the term of ninety days prescribed in the said section.

SEC. 8. *And be it further enacted*, That it shall be lawful for the owner, consignee, or agent of imports which have been actually purchased, on entry of the same, to make such addition in the entry to the cost or value given in the invoice, as in his opinion may raise the same to the true market value of such imports in the principal markets of the country whence the importation shall have been made, or in which the goods imported shall have been originally manufac-

tured or produced, as the case may be; and to add thereto all costs and charges which, under existing laws, would form part of the true value at the port where the same may be entered, upon which the duties shall be assessed. And it shall be the duty of the collector within whose district the same may be imported or entered to cause the dutiable value of such imports to be appraised, estimated, and ascertained in accordance with the provisions of existing laws; and if the appraised value thereof shall exceed by ten per centum or more the value so declared on the entry, then, in addition to the duties imposed by law on the same, there shall be levied, collected, and paid, a duty of twenty per centum ad valorem, on such appraised value. *Provided nevertheless*, That under no circumstances shall the duty be assessed upon an amount less than the invoice value; any law of Congress to the contrary notwithstanding.

SEC. 10. *And be it further enacted*, That the deputies of any collector, naval officer, or surveyor, and the clerks employed by any collector, naval officer, surveyor, or appraiser, who are not by existing laws required to be sworn, shall, before entering upon their respective duties, or, if already employed, before continuing in the discharge thereof, take and subscribe an oath or affirmation faithfully and diligently to perform such duties, and to use their best endeavors to prevent and detect frauds upon the revenue of the United States; which oath or affirmation shall be administered by the collector of the port or district where the said deputies or clerks may be employed, and shall be of a form to be prescribed by the Secretary of the Treasury.

SEC. 11. *And be it further enacted*, That no officer or other person connected with the navy of the United States, shall under any pretence, import in any ship or vessel of the United States any goods, wares, or merchandise liable to the payment of any duty.

SEC. 12. *And be it further enacted*, That all acts and parts of acts repugnant to the provisions of this act be, and the same are hereby repealed.

SCHEDULE A.

Brandy and other spirits distilled from grain, or other materials; cordials, absynthe, arrack, curacao, kirschenschwasser, liqueurs, marshino, ratafia, and all other spirituous beverages of a similar character.

SCHEDULE 1.

Alabaster and spar ornaments; almonds; anchovies, sardines, and all other fish preserved in oil; camphor refined; cassia; cloves; composition tops for tables, or other articles of furniture; comfits, sweetmeats, or fruit preserved in sugar, brandy, or molasses; currants; dates; figs; ginger root, dried or green; glass cut; mace; manufactures of cedar wood, granadilla, ebony, mahogany, rosewood, and satin wood; nutmegs; pimento; prepared vegetables, meats, poultry, and game sealed or enclosed in cases, or otherwise; prunes; raisins; scagliola tops for tables, or other articles of furniture; segars, snuff, paper segars, and all

other manufactures of tobacco; wines, Burgundy, champagne, claret, Madeira, port, sherry, and all other wines and imitations of wines.

SCHEDULE B.

Argentine, alabatta, or German silver, manufactured or unmanufactured; ale, beer, and porter in casks or bottles; articles embroidered with gold, silver, or other metal; articles worn by men, women, or children, of whatever material composed, made up, or made wholly or in part, by hand; asses' skins; balsams, cosmetics, essences, extracts, pastes, perfumes, and tinctures, used either for the toilet, or for medicinal purposes; baskets, and all other articles composed of grass, osier, palmleaf, straw, whalebone, or willow, not otherwise provided for; bay rum; beads, of amber, composition, or wax, and all other beads; benzoates; bologna sausages; bracelets, braids, chains, curls, or ringlets composed of hair, or of which hair is a component part; braces, suspenders, webbing, or other fabrics, composed wholly or in part of India rubber, not otherwise provided for; brooms and brushes of all kinds; cameos, real and imitation, and mosaics, real and imitation, when set in gold, or silver, or other metal; canes and sticks for walking, finished or unfinished; capers, pickles, and sauces of all kinds, not otherwise provided for; corks; earthen, China, and stone ware, and all other wares composed of earthy and mineral substances not otherwise provided for; fire crackers; flats, braids, plaits, sparteere, and willow squares, used for making hats or bonnets; glass tumblers, plain, moulded, or pressed, not cut or printed; hats and bonnets for men, women, and children, composed of straw, satin straw, chip grass, palmleaf, willow, or any other vegetable substance, or of hair, whalebone, or other material, not otherwise provided for; caps, hats, muffs, and tippets of fur, and all other manufactures of fur, or of which fur shall be a component material; caps, gloves, leggins, mits, socks, stockings, wove shirts and drawers, and all similar articles made on frames, worn by men, women, or children, and not otherwise provided for; card-cases, pocket-books, shell boxes, souvenirs, and all similar articles, of whatever material composed; carpets, carpeting, hearth-rugs, bedsides, and other portions of carpeting, being either of Aubusson, Brussels, ingrain, Saxony, Turkey, Venetian, Wilton, or any other similar fabric; carriages and parts of carriages; cayenne pepper; cheese; cinnamon; clocks and parts of clocks; clothing, ready made, and wearing apparel of every description, of whatever material composed, made up or manufactured wholly or in part by the tailor, sempstress, or manufacturer; coach and harness furniture of all kinds; coal; coke and culm of coal; combs of all kinds; compositions of glass or paste, when set; confectionary of all kinds, not otherwise provided for; coral, cut or manufactured; cotton cords, gimps, and galloons; court-plaster; crayons of all kinds; cutlery of all kinds; diamonds, gems, pearls, rubies, and other precious stones, and imitations of precious stones, when set in gold, silver, or other metal; dolls and toys

of all kinds; epaulettes, galloons, laces, knots, stars, tassels, tresses, and wings of gold, silver, or other metal; fans, and fire screens of every description, of whatever material composed; feathers and flowers, artificial or ornamental, and parts thereof, of whatever material composed; frames and sticks for umbrellas, parasols, and sunshades, finished or unfinished; furniture, cabinet and household; ginger, ground; gum benzoin or benjamin; hair pencils; hat bodies of cotton; hemp, unmanufactured; honey; human hair, cleansed or prepared for use; ink and ink powder; iron, in bars, blooms, bolts, loops, pigs, rods, slabs, or other form, not otherwise provided for; castings of iron; old or scrap iron; vessels of cast iron; japanned ware of all kinds, not otherwise provided for; jewelry, real or imitation; jet and manufactures of jet, and imitations thereof; lead pencils; maccaroni, vermicelli, gelatine, jellies, and all similar preparations; manufactures of the bark of the cork tree, except corks; manufactures of bone, shell, horn, pearl, ivory, or vegetable ivory; manufactures, articles, vessels, and wares, not otherwise provided for, of brass, copper, gold, iron, lead, pewter, platina, silver, tin, or other metal, or of which either of those metals or any other metal shall be the component material of chief value; manufactures of cotton, linen, silk, wool, or worsted, if embroidered or tamboured in the loom or otherwise, by machinery, or with the needle, or other process; manufactures, articles, vessels, and wares of glass, or of which glass shall be a component material, not otherwise provided for; colored, stained, or painted glass; glass crystals for watches; glasses or pebbles for spectacles; paintings on glass, porcelain glass; manufactures and articles of leather, or of which leather shall be a component part, not otherwise provided for; manufactures and articles of marble, marble paving tiles, and all other marble more advanced in manufacture than in slabs or blocks in the rough; manufactures of paper, or of which paper is a component material, not otherwise provided for; manufactures, articles, and wares of papier mache; manufactures of wood, or of which wood is a component part, not otherwise provided for; manufactures of wool, or of which wool shall be the component material of chief value, not otherwise provided for; medicinal preparations, not otherwise provided for; metallic pens; mineral waters; molasses; muskets, rifles, and other fire-arms; nuts, not otherwise provided for; oil-cloth of every description, of whatever material composed; ochres, and ochry earths used in the composition of painters' colors, whether dry or ground in oil; oils, volatile, essential, or expressed, and not otherwise provided for; olive oil, in casks, other than salad oil; olive salad oil, and all other olive oil, not otherwise provided for; olives; paper, antiquarian, demi, drawing, elephant, foolscap, imperial, letter, and all other paper not otherwise provided for; paper boxes, and all other fancy boxes; paper envelopes; parasols and sunshades; parchment; pepper; plated and gilt ware of all kinds; playing cards; plums; potatoes; red chalk pencils; saddlery of all kinds, not otherwise provided for; salmon, preserved; sewing silk, in the

gum or purified; shoes composed wholly of India rubber; sealing wax; silk twist and twist composed of silk and mohair; side-arms of every description; silver plated metal, in sheets or other form; soap, Castile, perfumed, Windsor, and all other kinds; sugar of all kinds; tobacco, unmanufactured; syrup of sugar; twines and pack thread, of whatever material composed; umbrellas; vellum; vinegar; wafers; water colors; fire-wood, and wood unmanufactured, not otherwise provided for; wool, unmanufactured.

SCHEDULE C.

Buttons and button moulds, of all kinds; borax or tinctal; Burgundy pitch; calomel, and all other mercurial preparations; camphor, crude; feather beds, feathers for beds, and downs of all kinds; floss silks; grass cloth; hair cloth, hair seating, and all other manufactures of hair not otherwise provided for; jute, Sisal grass, coir, and other vegetable substances unmanufactured, not otherwise provided for; baizes, bookings, flannels, and floor-cloths, of whatever material composed, not otherwise provided for; cables and cordage, tarred or untarred; cotton laces, cotton insertings, cotton trimming laces, cotton laces and braids; manufactures composed wholly of cotton not otherwise provided for; manufactures of goat's hair or mohair, or of which goat's hair or mohair shall be a component material, not otherwise provided for; matting, Chinese, and other floor matting and mats made of flags, jute, or grass; manufactures of silk, or of which silk shall be a component material, not otherwise provided for; manufactures of worsted, or of which worsted shall be a component material, not otherwise provided for; roofing slates, slates, other than roofing slates; woollen and worsted yarn.

SCHEDULE D.

Acids, acetic, acetous benzoic, boracic, chromic, citric, muriatic, white and yellow, nitric, pyroligneous and tartaric, and all other acids of every description, used for chemical or medicinal purposes, or for manufacturing, or in the fine arts, not otherwise provided for; aloes; Angora, Thibet, and other goat's hair or mohair unmanufactured; cedar wood, ebony, granadilla, mahogany, rosewood, and satin wood, unmanufactured; cream of tartar; extract of indigo; extracts and decoctions of logwood and other dye-woods not otherwise provided for; extracts of madder; flax seed; green turtle; gunny cloth; alum; amber; ambergris; anise seed; animal carbon; antimony; crude and regulus of; arrow root; articles, not in a crude state, used in dyeing or tanning, not otherwise provided for; assafœtida; bacon; bananas; barley; beef; beeswax; berries, vegetables, flowers and barks, not otherwise provided for; bismuth; bitter apples; blankets of all kinds; blank books, bound or unbound; blue or Roman vitriol, or sulphate of copper; boards, planks, staves, lath, scantling, spars, hewn and sawn timber, and timber to be used in building wharves; bronze liquor; iron liquor; iac spirits; manna; marble in the rough slab or block, unmanufactured; Dutch and bronze metal in leaf; needles of all kinds for sewing, darn-

ing, or knitting; ozier or willow prepared for basket-makers' use; paving stones; paving and roofing tiles and bricks; boucho leaves; breccia; bronze powder; butter; cadmium; calamine; cantharides; caps, gloves, leggins, mits, socks, stockings, wove shirts and drawers, made on frames, composed wholly of cotton, worn by men, women, and children; cassia buds; castor oil; castorum; chocolate; chromate of lead; chromate, bichromate, hydriodate, and prussiate of potash; cobalt; cocoa nuts; cocculus indicus; copperas or green vitriol, or sulphate of iron; copper rods, bolts, nails, and spikes; copper bottoms; plaster of Paris when ground; quicksilver; saffron and saffron cake; seppia; steel, all than otherwise provided for; copper in sheets or plates, called brazier's copper, and other sheets of copper not otherwise provided for; cubebs; dried pulp; emery; ether; felspar; fig blue; fish, foreign, whether fresh, smoked, salted, dried, or pickled, not otherwise provided for; fish glue or isinglass; fish skins; flour of sulphur; Frankfort black; French chalk; fruit, green or ripe, not otherwise provided for; fulminates, or fulminating powders; furs dressed on the skin; gamboge; glue; gunpowder; hair, curled, moss, seaweed, and all other vegetable substances used for beds or mattresses; hams; hats of wool; hat bodies, made of wool, or of which wool shall be a component material of chief value; hatters' plush, composed of silk and cotton, but of which cotton is the component material of chief value; hemp-seed or linseed, and rape-seed oil, and all other oils used in painting; Indian corn and corn meal; ipecacuanha; iridium; iris or orris root; ivory or bone black; jalap; juniper berries; lac sulphur; lamp black; lard; leather, tanned, bend, or sole; leather, upper of all kinds; lead, in pigs, bars, or sheets; leaden pipes; leaden shot; leeches; linsens of all kinds; liquorice paste, juice, or root; litharge; malt; manganese; manufactures of flax, not otherwise provided for; manufactures of hemp not otherwise provided for; marine coral, unmanufactured; medicinal drugs, roots, and leaves, in a crude state, not otherwise provided for; metals, unmanufactured, not otherwise provided for; mineral and bituminous substances, in a crude state, not otherwise provided for; musical instruments of all kinds, and strings for musical instruments of whip gut or catgut, and all other strings of the same material; nitrate of lead; oats and oatmeal; oils, neatfoot, and other animal oil, spermaceti, whale, and other fish oil, the produce of foreign fisheries; opium; oranges, lemons, and limes; orange and lemon peel; patent mordant; paints, dry or ground in oil, not otherwise provided for; paper hangings and paper for screens or fire-boards; pearl or hulled barley; periodicals and other works in the course of printing and republication in the United States; pine apples; pitch; plantains; plumbago; pork; potassium; Prussian blue; pumpkins; putty; quills; red chalk; rhubarb; rice or paddy; roll brimstone; Roman cement; rye and rye flour; saddlery, common, tinned, or japanned; sago; sal soda, and all carbonates of soda, by whatever names designated, not otherwise provided for; salts, Epsom, Glauber, Rochelle, and all other salts and prepa-

rations of salts, not otherwise provided for; sarsaparilla; shaddocks; sheathing paper; skins, tanned and dressed, of all kinds; skins of all kinds, not otherwise provided for; slate pencils; smalts; spermaceti candles and tapers; spirits of turpentine; sponges; spunk; squills; starch; stearine candles and tapers; stereotype plates; still bottoms; sulphate of barytes, crude or refined; sulphate of quinine; tallow candles; tapioca; tar; thread laces and insertings; type metal; types, new or old; vanilla beans; verdigris; velvet, in the piece, composed wholly of cotton; velvet, in the piece, composed of cotton and silk, but of which cotton is the component material of chief value; vermilion; wax candles and tapers; whalebone the produce of foreign fisheries; wheat and wheat flour; white and red lead; whiting, or Paris white; white vitriol, or sulphate of zinc; window glass, broad, crown, or cylinder; woollen listings; yams.

SCHEDULE E.

Arsenic bark, Peruvian; bark Quilla; Brazil paste, brimstone, crude in bulk; cork tree bark, unmanufactured; codilla, or tow of hemp or flax; diamonds, glaziers', set or not set; dragon's blood; flax, unmanufactured; gold and silver leaf; mineral kermes; silk, raw, not more advanced in manufacture than singles tram and thrown or organzine;terne tin plates tin foil; tin in plates or sheets; tin plates galvanized, not otherwise provided for; steel in bars; cast, shear, or German; zinc, spelter, or tutenague, in sheets.

SCHEDULE F.

Ammonia; anatto, rancon or Orleans; barilla; books printed, magazines, pamphlets, periodicals and illustrated newspapers, bound or unbound, not otherwise provided for; bleaching powders or chloride of lime; building stones; burr stones, wrought or unwrought; cameos and mosaics, and imitations thereof, not set; chronometers, box or ships', and parts thereof; cocoa, cochineal; cocoa shells, compositions of glass or paste, not set; cudbear; diamonds, gems, pearls, rubies, and other precious stones, and imitations thereof, when not set; engravings or plates, bound or unbound; hemp-seed, linseed, and rapeseed; fullers' earth; furs, hatters', dressed or undressed, not on the skin; furs, undressed when on the skin; goldbeaters' skins; gum Arabic; gum Senegal; gum Tragacanth; gum Barbary; gum East India; gum Jeddah; gum substitute or burnt starch; indigo; kelp; natron; terra japonica or catechu; hair of all kinds, uncleaned and unmanufactured; India rubber, in bottles, slabs, or sheets, unmanufactured; lemon and lime juice; lime; maps and charts; music and music paper, with lines, bound or unbound; nux vomica; oils, palm and cocoanut; opium; palm leaf, unmanufactured; polishing stones; pumice and pumice stone; rattans and reeds, unmanufactured; rotten stone; sal ammonia; saltpetre, (or nitrate of soda, or potash,) refined or partially refined; soda ash, sulphuric acid, or oil of vitriol; tallow, marrow, and all other grease and soap stuffs, not otherwise provided for; watches and parts of watches; watch materials of all kinds, not otherwise provided for; woad or pastel.

SCHEDULE G.

Alcornoque, argol, or crude tartar; bells when old, or bell metal, fit only to be remanufactured; brass in pigs or bars; Brazil wood, and all other dye-woods in sticks; brass when old, and fit only to be remanufactured; bristles; chalk, not otherwise provided for; clay, unwrought; copper, in pigs or bars; copper, when old, and fit only to be remanufactured; flints; grindstones, wrought or unwrought; berries, nuts, and vegetables used exclusively in dyeing, or in composing dyes, but no article shall be classed as such that has undergone any manufacture; ivory, unmanufactured; ivory nuts, or vegetable ivory; madder root; nutgalls; pearl, mother of; lastings, suitable for shoes, boots, bootees, or buttons, exclusively; manufactures of mohair cloth, silk twist, or other manufactures of cloth, suitable for the manufacture of shoes, boots, bootees, or buttons exclusively; horns, horn-tips, bones, bone-tips, and teeth, unmanufactured; kermes; lac dye; lac spirits, madder, ground; nickel; pewter, when old, and fit only to be remanufactured; rags, of whatever material; raw hides and skins of all kinds, whether dried, salted, or pickled, not otherwise provided for; safflower; saltpetre, or nitrate of soda, or potash, when crude; seed lac; shellac; sumac; tin in pigs, bars, or blocks; tortoise and other shells unmanufactured; turmeric; waste, or shoddy; weld; zinc, spelter, or tutenague, unmanufactured, not otherwise provided for.

SCHEDULE H.

Animals imported for breed; bullion, gold and silver; cabinets of coins, medals, and other collections of antiquities; coffee and tea when imported direct from the place of their growth or production, in American vessels, or in foreign vessels entitled by reciprocal treaties to be exempt from discriminating duties, tonnage, and other charges; coffee, the growth or production of the possessions of the Netherlands, imported from the Netherlands in the same manner; coins, gold, silver, and copper; copper ore; copper when imported for the United States Mint; cotton; felt, adhesive, for sheathing; garden seeds, and all other seeds not otherwise provided for; goods, wares, and merchandise, the growth, produce, or manufacture of the United States exported to a foreign country, and brought back to the United States in the same condition as when exported, upon which no drawback or bounty has been allowed; *Provided*, that all the regulations to ascertain the identity thereof, prescribed by existing laws, or which may be prescribed by the Secretary of the Treasury, shall be complied with; guano; household effects, old and in use, of persons or families from foreign countries, if used abroad by them, and not intended for any other person or persons, or for sale; junk, old; models of inventions and other improvements in the arts; *Provided*, That no article or articles shall be deemed a model or improvement which can be fitted for use; oakum; oil, spermaceti, whale, and other fish, of American fisheries, and all other articles the produce of such fisheries; paintings and statuary, the production of American

artists residing abroad, and all other paintings and statuary: *Provided*, The same be imported in good faith as objects of taste, and not of merchandise; personal household effects (not merchandise) of citizens of the United States dying abroad; plaster of Paris unground; platina, unmanufactured; sheathing copper, but no copper to be considered such, and admitted free, except in sheets forty-eight inches long and fourteen inches wide, and weighing from fourteen to thirty-four ounces the square foot; sheathing

metal; specimens of natural history, mineralogy, or botany; trees, shrubs, bulbs, plants, and roots, not otherwise provided for; wearing apparel in actual use, and other personal effects, not merchandise, professional books, instruments, implements, and tools of trade, occupation, or employment, of persons arriving in the United States: *Provided*, That this exemption shall not be construed to include machinery or other articles imported for use in any manufacturing establishment or for sale.

FOREIGN MISCELLANY.

THE British mails for the last month brought little intelligence of marked interest. The new ministry has carried its proposal for the settlement of the sugar duties, through its first stage, by the very decided majority of 265 to 135, much larger than had been anticipated. Sir Robert Peel gave the proposition his hearty support, upon the ground that it was necessary to supply the deficiency in the sugar duties, and that the system of differential duties could not have been permanent. A strong effort was made, out of Parliament, mainly by Anti-Slavery men, to excite the country against it, on the ground that it would aid the extension and retard the abolition of slavery. But it proved entirely abortive, and the measure was carried by a most triumphant vote. A very decided conviction was generally manifested that evil, instead of good, had resulted from the insulting and dictatorial interference of England in the affairs of other countries, under pretence of suppressing slavery. The *Times* upon this subject held the following strong and judicious language: "What right have we to interfere with the national institutions and customs of another country, except by the usual methods of example and precept? How should we feel if the United States should insult us with prohibitions on commerce, because we treated our white servants with hauteur, or because the laborers in England and the peasantry in Ireland are in a degraded and suffering condition?"

There was reason to believe that an effort would next be made to destroy or greatly reduce the enormous duties at present levied upon tobacco; and certainly, if free trade is to be adopted as the basis of the British commercial policy, there would seem to be no reason for maintaining so striking an exception as is manifest in the existing tobacco duties. The new ministry thus far has ably and successfully maintained its position.

In connection with its discussion of the ministerial sugar bill, the *Spectator* has some interesting remarks upon slavery, suggesting certain measures which, in its opinion, would do much towards procuring its ultimate abolition. Of these, the chief is the abandonment, on the part of England, of her armed intervention for the prevention of the slave trade. This, it is urged, would remove the distrust with which foreign nations now regard the action of the British Government upon this subject—make the traffic free, and thus increase the value of slaves, making their health and comfort matters of interest to their owners, and thus removing many of the horrors which now surround the trade—give to the West Indies the population of which they now stand in greatest need, that of free laborers, and thus set an example of successful emancipation in those islands which would exert a most beneficial influence upon slaveholding nations. At present, abolition in the West Indies seems to have failed, from the lack of that kind of labor by which alone their plantations can be worked. The immigration which the abandonment of the armed intervention would promote, it is contended, would supply this want, and thus show that emancipation was not only safe but profitable. The effect of this policy upon Africa is also discussed. It would tend greatly to people her western shore with free blacks, and thus gradually substitute the civilization of Europe for the savage and brutal ignorance which now overshadows that immense continent. "Were the West Indies fully peopled," says the *Spectator*, "our stations on the coast of Western Africa would become really colonies. Although the climate excludes the Anglo-Saxon race, Anglo-Saxon influences would take root, would fructify, and would spread towards the interior."

A very serious schism has occurred in the ranks of the Irish Repealers. It grew

out of the difference of opinion which has existed for a long time, upon the propriety of an ultimate resort to physical force to accomplish the objects of the Association. O'Connell has always avowed the most decided opposition to such a step, and has uniformly insisted that they must rely entirely upon moral suasion. The younger branch of the Repeal league have from time to time evinced a disposition to go farther, and to threaten the government with revolution and a civil war if their demands were not granted. The *Nation* newspaper, originally the leading Repeal organ in the kingdom, has of late fallen into Young Ireland's hands, and has proclaimed, in terms too explicit to be mistaken, the necessity of an ultimate appeal to arms. It was finally found necessary to repudiate these opinions, and accordingly at a late meeting of the Association at Dublin, Mr. J. O'Connell, in obedience to his father's injunctions, proceeded to denounce the *Nation* and its friends as unsafe counselors, and as advising a course to which Repealers could not accede, and for which the Association must not be held responsible. The debate which followed ended in the withdrawal of Young Ireland, led by Mr. Smith O'Brien. There has been for some time a suspicion on the part of the latter, that Mr. O'Connell and his friends would form a union with the Whig party in Parliament. It has been indignantly denied; but fears were undoubtedly entertained that it would, nevertheless, be effected, and this apprehension had not a little to do in bringing about the result. The rupture must destroy the cause. O'Connell will probably join the Whigs, or at all events will have nothing to do with physical force. If Young Ireland preserves its existence, it must go on to the violence which it threatens. Such an appeal would plunge the country into a civil war, in which, however, the immense superiority of England would speedily prevail, and thus would the repeal agitation be brought to a bloody conclusion. It is much more probable that O'Connell's policy will prevail, and that, through his union with the Whigs who are now in power, some satisfactory measures for the relief of Ireland will be adopted.

Upon the continent, nothing has transpired of special interest. Another attempt has been made upon the life of Louis Philippe; but it had no importance, and was simply the freak of an insane boy. M. Guizot, at a public dinner given him by his constituents, made an address full of wise and judicious reflections upon the condition of France, and the governmental policy which her prosperity demands. France, he said, requires no new revolution, but only a government determined to fulfill all its duties. She is a free country, possessing and enjoying equality, constitutional

liberty, national independence. She has a liberal government, and therefore a government of progress; for "when liberty exists in a country, when it dwells in the bosom of order, progression is infallible; it is accomplished spontaneously, day by day, in the free development of individual liberties, under the protection of public order." This is the progress which meets all real wants from its natural tendency. And a survey of the condition of France, M. Guizot contended, would show that it had been secured. We make the following extract from this address, not more for its description of the state of things in France, than for the force and pertinence of its sentiments when applied to the condition of this country:

"Are material interests in question? at what period have they been found to make a progress so rapid, so expanding, increasing with so much activity, not only by the efforts of the citizens, by individual industry, but with the energetic and permanent concurrence of the government, of all the great powers of the State? Is the political progress the matter for consideration? This I shall comprise in one word. The first, the most urgent, the most essential point of all, was the creation of a grand party for constitutional government—a Conservative party. All the world has said this. The true constitutional system consists in the presence of two parties—a Government party, and an Opposition party; each having their principles, their standards, their leaders—daily discussing, each on his own side, the affairs and interests of the country; opposing idea to idea, judgment to judgment, system to system. This, gentlemen, is what every true friend to our institutions has earnestly prayed for. This, in fact, is the only regular condition of a representative government—is the present want for the future security of the country. This progress is beginning to be accomplished among us. It is important for the present, and still more important for the future. We shall one day have need of all the strength, all the consistence, all the authority of a Conservative party. We shall congratulate ourselves, therefore, if it be formed, exercised, and brought into discipline in advance, during times more free than those when all its wisdom and energy may be put to the proof. This, however, is certainly not the sole political progress we have to make. We are now commencing, and shall perfect many others. We are proceeding to the most essential, the most pressing; but very far from rejecting any others, the Conservative policy is desirous of having them, and will accept them all. It will examine them, and discuss them, with a sincere disposition to adopt such as are eligible. It only wishes, as it has its duty to do, that they may be genuine

and serious improvements, in harmony with the general wants of society—its essential principles. Do not believe, gentlemen, that material and even political progression are the only subjects of contemplation in the Conservative policy. It holds also, and above all, to the promotion of the moral interests, the moral prosperity of the people. It wishes the increase of the moral value of the citizens quite as much as their welfare and liberty. How should it be otherwise? How could the Conservative policy not propose and not attain this object? What are the principles, what the sentiments, upon which it labors to establish and to honor? Respect for order—respect for laws—respect for duties—respect for religious creeds. What influence is there more moral than that of such principles and such sentiments? And how should not the policy which takes them as its rule of conduct not tend to the moral amelioration of society? Such are, gentlemen, under whatever aspect you consider it, order or liberty, material or moral interests in everything relating to the life and internal affairs of our society, such are the effects of the Conservative policy, judged, not by its promises, but by its works."

The new Pope, Pius IX., had published his general amnesty, which was received with universal rejoicing. In the commencement of the document he tells the people that, at the very moment when their rejoicing at his elevation to the pontificate rose sweetly to his ear, he was penetrated with sorrow on thinking that many heads of families and misguided youth were languishing in prison; and that he then determined to liberate all those who were sincerely repentant, and who would pledge themselves to future good behavior. He next announces, that not only political prisoners should be released, but that all exiles might return to their country, provided they made known their intentions to the several Nuncios within a year; and he ends by stating, that though ecclesiastics, military officers, and public *employés* are excluded, their cases will be taken into consideration, and he holds out a promise of grace to them. The concluding words of the address are as touching as the commencement. The Pope calls on the people to combine for the common good, "in order that every link of the chain uniting father and son by the grace of God shall remain unbroken," and then, like a wise monarch, he tells them, "that though clemency is the pleasing attribute of a sovereign, justice is his first duty."

The amnesty was published on the 17th of July. The political prisoners in the castle of St. Angelo were at once released, and orders were dispatched to all the *dépôts* for the immediate liberation of all persons included in the act of grace. The

proceedings of the new sovereign, thus far, have given universal satisfaction, and the belief is general that he will go on with the work of reform and carry it into every department of the state. The Rome correspondent of the Times says that the administration of justice, which is in a deplorable state, will shortly be improved; and a rigid inquiry is going on, not only as to the sources from whence the public revenue is raised, but into the causes which render taxation so oppressive to the people, and so unproductive in the result. New principles are about to be established; a reduction of duties so as to prevent smuggling from the Neapolitan territory, is prepared; and in the course of another year vast and beneficial changes will be made. These expectations give new promise to the Papal States, and in connection with the movements which have been exhibited in other quarters, encourage the belief that a new day is dawning upon Italy.

The excavations of Pompeii are still continued, and in recent Italian journals some interesting details are given of their results. During the recent session of the Scientific Congress a house was exposed in their honor, which had evidently belonged to a rich citizen. The frescoes found there were well executed, but the other parts were not in any way remarkable. The house known by the title of the "Hunters," is now entirely exposed. It is only remarkable for its pictures, which all relate to hunting, and are executed with a certain vigor. The house examined on the occasion of the visit of the Emperor of Russia presented nothing worthy of notice; a few amphoræ and some bronzes were found, but their quality was exceedingly ordinary. The visit of the Empress of Russia brought to light a portable kitchen. It is made of iron, and prepared with cavities to receive the saucepans containing the meat and vegetables. A recent excavation has discovered a house, in one of the rooms of which was lying the skeleton of a man, and near him thirty-six silver coins and two gold ones. The latter were of the time of Domitian, and the silver pieces bore the likeness and name of Vespasian.

The difficulties in the Caucasus still continue. The latest accounts state that the late appearance of Schamyl in the Plains of Cabardia had produced an immense impression among all the mountain tribes of the west. Notwithstanding the jealousy and natural antipathy of the various populations, who do not speak the same language, the voice of the prophet Schamyl had not failed to produce its effect in Cabardia, and numerous tribes of the Plain had taken up arms for him. The numerical superiority of the Russian army, which amounts to 60,000 men, on the borders of the Terek, has compelled Schamyl to retire into the mountains, not having the means to con-

tend in the Plain with advantage against the combined Russian compact infantry and cannon; but many of the Cabardian tribes have followed him into the interior of the great Tschetschuya, leaving behind them their villages to be destroyed by the Cossacks, and only carrying away with them their arms. These tribes have considerably increased Schamyl's army, which already consisted of 20,000 men, when he crossed the Terek. Although the bold plan of this renowned chief did not wholly succeed, his intrepidity is, however, to be admired. He had spread alarm even to the walls of Tekaderinadid, the capital of the Tschernomerian Cossacks. At no time had a Tschetschentsian chief ventured to undertake so long and bold a march through a triple line of Russian fortresses. So great was the consternation among the Russians, that General Luders did not think himself safe at Stauropol, the head-quarters of the Russian army of operations, which he hastily left, marching in the direction of the fortresses on the borders of the Kuban.

M. de Mas-Latrie, who had been charged by the Minister of Public Instruction with a scientific mission in the East, has just returned home, after visiting Syria, Balbec, Sidon, Tyre, Egypt and Cyprus. He staid some time in the last named place, and procured there a number of original documents relative to the Middle Ages, as well

as several antique objects, which he has presented to the Bibliotheque du Roi. The most remarkable object which he speaks of as having seen in his travels is a large slab of basalt, covered with cuneiform inscriptions, and bearing the figure of a king or priest, holding a sceptre in the left hand. This curious monument, which appears to belong to the period of the Assyrian Art, could, M. de Mas-Latrie believes, be easily obtained possession of.

In India the triumphant success of the British has met with some check at the Fortress of Kote Kangra, belonging to the Sikhs, which still holds out against all the efforts and artillery of the English army which has invested it; and, what is worse still, there is no prospect as yet of its being taken. It is said to be equal to Gibraltar, and absolutely impregnable. The Sikh commander of this extensive place is called Killadar, which signifies "the handsome lion." An immense treasure in gold and silver is said to be contained in the fortress, and the greatest anxiety prevails to reduce it. The "handsome lion" has refused to listen to any terms, and rejects every offer, while the place and the garrison are proof against the bombs and every missile of the British army. The English are greatly irritated by the delay, and fear, if longer continued, the treasure may by some means escape their grasp.

CRITICAL NOTICE.

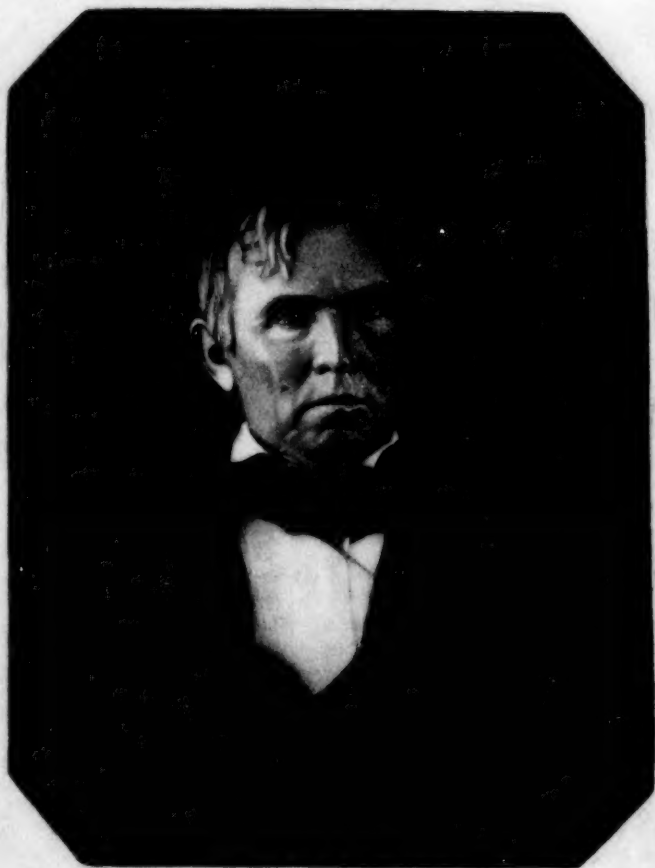
STANDARD LIBRARY.—*Roscoe's Life of Leo the Tenth*. London, Bohn; New York, Bartlett & Welford.

It has been conceded on all hands, that one of the most classical and elegant pieces of writing in our language is the *Life of Lorenzo de Medici*, the father of Leo the Tenth, by the distinguished Merchant Author, of Liverpool. Even an ordinary treatment of such a subject as the times and career of the brilliant Florentine would be of very great interest. Leo X. was one of the most remarkable men that Italy, a country for several centuries prolific in great men, ever produced. Ambitious and accomplished, his plans of aggrandizement were made to embrace the widest reign of taste—the establishment of Literature, and the cultivation of the arts—rendering his period the second Augustan age. In addition, moreover, to the number of splendid men and the stirring events belonging to his own time, a satisfactory account of the career of Leo X. must take in a large portion of Florentine history, connected with the annals of the Medicean Family, and many preceding characters and events, whose course affected the condition of Italy and of Europe. Such a biography, there-

fore, would, in fact, form a large part of Italian history, and that altogether the most brilliant and varied. And such is Roscoe's life and character of Leo. It is quite as full as any history of that period need to be. It is written, too, not only with a singular union of dignity and grace, so that in point of style it may be compared with any narrative in the English language, but with those higher requisites of history, thorough candor and humanity. Roscoe may have had his prejudices, but he has shown very few of them in his work. This is especially evident in his portraiture of Caesar Borgia. He does not forbear to give the true and terrible character of the man, but it is done with such modifications, as belong to the reasonable spirit of impartial history. Caesar Borgia was acknowledged to have great talents—and, as to character, no man has ever become utterly inhuman. This work has had high praise—but nothing, we think, that it has not deserved.

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